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The Two First Centuries
of
Florentine History

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FRONTISPIECE VIEW OF FLORENCE.

The Two First Centuries of Florentine History

THE REPUBLIC AND PARTIES AT THE TIME OF DANTE

BY

PROFESSOR PASQUALE VILLARI

TRANSLATED BY

LINDA VILLARI

* *

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London

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PREFACE TO VOL. II.

THE publication of this second and last volume of Studies on Florentine History affords me an opportunity of making a brief reply to certain criticisms pronounced upon the earlier part of the work. It has been objected that these studies furnish no consecutive narrative, but are merely a collection of historical lectures and essays which, although arranged in chronological sequence, are of a very mixed nature by reason of having been produced at distant intervals. On this head I am bound to confess that my critics are entirely in the right. But, in the preface to my first volume, I openly acknowledged the fact, without trying to deceive either myself or my readers as to the literary defects of a book principally composed of investigations on the more important or more obscure points of Florentine history.

For defects such as these, caused by the mode in which the book had taken shape, the only possible remedy would have been to suppress the book itself. Nevertheless, as previously stated, one consideration deterred me from that course. The real aim of these Studies was to enable the reader to discern clearly and accurately not

only the chronological sequence, but also the logical connection and veritable causes of the numerous political and social revolutions which occurred in Florence, of the various shapes assumed by the Florentine constitution, and of the various parties by which the Republic was divided and torn. If well carried out, such investigation would be highly efficacious, and would furnish the best clue through the labyrinth of Florentine history, while, so far as I knew, no one had forestalled me in the attempt. The ideas I set forth on those points still seem to me well founded. In any case, the value or non-value of this book can only be determined by the judgments pronounced on those ideas.

Yet this is the very point to which critics have given little or no heed. In this connection, only one remark, and that of a very general kind, has been made. I have maintained that throughout the whole course of Italian history during the Middle Ages, there is always, in one form or another, a perpetual struggle going on between the Germanic element introduced by invasions, and the Latin element bequeathed to us by tradition. Some have considered this to be a very exaggerated view. Even towards the close of the Longobard rule in Italy, they aver, conquerors and conquered were fused into one people. Accordingly, the alleged struggle between these two elements at the time of the Communes had no existence save in the author's fancy. Writing at the moment when Italy was still fighting for freedom from Austrian tyranny, the struggle between Teutonic and Latin races was everywhere present to his eye. From this point of view, Guelphism represents the Latin element which struggles

for liberty ; Ghibellinism, the Germanic element, opposed to the Communal independence favoured by the Popes, who accordingly stand as the representatives of the national feeling. Therefore, add these critics, the author has transferred to past ages the passions and ideas of the present time. But the political idea of modern Italy is Ghibelline, not Guelph. It was connected with Dante, with Machiavelli; it sought the abolition of the temporal power of the Popes. How then were it possible to transport this idea back to the Middle Ages and recognise the Guelphs as the champions of liberty? Besides, although we at first find the Popes actually allied with the Communes against the Empire, there was an exchange of parts later on. In fact, the events described in this second volume proved that the Papacy became adverse to municipal freedom, and specially hostile to the Florentine Commune, whose very existence was threatened by Boniface VIII. Then the banished citizens, of whom Dante Alighieri was one, placed all their hopes in the Emperor Henry VII., and appealed to him for aid. The differences between past and present times are so emphatic, so persistent, that any attempt to assimilate and reconcile them would lead to inextricable confusion.

Nevertheless, the idea of the continuous struggle of the Germanic and Latin elements throughout mediæval and even modern history is no novel theory, nor exclusively mine. It has been maintained by many historians, both German and French. As we all know, it has been widely diffused and made popular by Guizot's lectures on European Civilisation, and Gervinus' celebrated "Introduction to the History of the Nineteenth Century." No one engaged in investigating

the virtues and vices, the laws, institutions, and tendencies of the various European peoples, can now fail to recognise that the same differences and antagonisms still prevail. There should be no difficulty in admitting the fact that, during the Middle Ages, before nationalities were distinctly constituted, the various elements still remained mixed and at war among themselves in the same country. No one can examine the Statute Book of an Italian Commune without instantly perceiving that it is based both upon Germanic and Roman law, and that the one clashes with the other, until the latter law gains the predominance. Again, in literature and in art, none can fail to see how many foreign elements are derived from the North, and gradually and continually assimilated down to the complete triumph of classical learning in the fifteenth century. This is our true history. Who could possibly deny that in all the Italian Communes in general, and more especially in Florence, an obstinate struggle was carried on between the feudal aristocracy bound up with the empire, and often styled Longobard or Teuton in Florentine chronicles and documents, and those greater and lesser Guilds constituting the real wealth and force of the Commune in which they finally won supremacy? The triumph of the Guilds in Florence was obtained by the total destruction of the aristocracy, of whom no traces were left. Even were the words "Germanic and Latin elements" omitted as unwelcome or as bearing an exaggerated or artificial meaning, the struggle remains all the same an unquestionable reality. Neither the number, sequence, and connection of political revolutions, nor the multiplicity of different forms assumed in turn by the constitution of Florence, would be

affected by such omission. These struggles and their logical sequence are the real subject of this work, apart from all theories.

This concluding volume treats of the revolution that took its name from Giano della Bella, and completed the overthrow of the feudal nobility. It then goes on to describe the ensuing and, perhaps, most involved and difficult period of Florentine history. Old parties are now transformed, while a larger and ever increasing number of divisions and subdivisions makes it very difficult to trace the general outline of events which are indeed so tangled and interlaced that it is often impossible to distinguish where any one of them begins or comes to an end. Yet the period has an extraordinary significance. It is not only the moment in which the mediæval Commune entered on the process of disintegration that prepared the way for the society of the Renaissance, but it also marks the hour when Italian art and literature sprang into being, and in which we behold Dante Alighieri filling a gigantic place and taking a very active part in the noisy chaos of political affairs. Unless those affairs be well comprehended, it were impossible to arrive at any clear appreciation of Dante's life and works. We have therefore attempted to condense those events in such wise as to bring their organic unity to the reader's notice, and afford the best elucidation in our power of their meaning and purpose.

This volume also contains a long preliminary chapter of, I fear, so tedious a kind, that the general reader will do well to pass it over, unless specially interested in its theme. The period of Florentine history treated at the

close of Volume I. brings us down to an entirely new phase, in which not only political conditions and forms of government are changed, but the social and personal relations of the citizens are seen to be totally altered. Hence the necessity of pausing to examine the juridical conditions of the family in our Communes, how far those conditions were derived from Roman, Germanic, or Canon law, and to what extent they were modified by the new political order in whose midst they had been built up.

When I first started these researches, the history of Italian law during the Middle Ages had been little investigated; since then, however, it has been studied to notable effect. Still, even now it is scarcely enough recognised that the history of our mediæval law is not only indispensable to legal students, but equally indispensable towards a full comprehension of our communal history. Political revolutions and reforms in our Communes were invariably preceded and prepared by social transformations of which they were the necessary outcome. Hence public and private law act and react on each other so continuously and steadily, that neither can be well understood without reference to the other. Thus I was impelled to dedicate a series of lectures to this subject, and have since condensed the gist of them in a chapter which cannot fail to be wearisome to those mainly interested in the political vicissitudes of Florence.

All I can do is to crave the indulgence of my English readers, and beg them to keep in mind the real purpose of the book. It was no part of my scheme to give a set narrative of Florentine events on the lines pursued by so many illustrious historians. Rather, I preferred to dwell

chiefly on certain obscure and controverted points; on certain questions which had been commonly neglected. It seemed to be not merely a useful, but necessary adjunct towards the comprehension of the general character and value of the history of a city that was to prove so important a factor of European freedom and European civilisation.

PASQUALE VILLARI.

August, 1895.

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CHAPTER VII.[1]

THE FAMILY AND THE STATE IN ITALIAN COMMUNES.[2]

I.[3]

IT is certain that no real national history of Italy can be written until the statutes and laws of our communes have been published, studied, and thoroughly investigated by the light not merely of historical but of legal research. The necessity for such investigation was first proclaimed by the

[1] Originally published in the Milan Politecnico, July and August, 1868.

[2] To avoid the addition of too many notes to a chapter treating of the general course of events, and only purposing to throw some light on the political conditions of our communes, more especially of Florence, I may say once for all, that besides the statutes, quoted in due place, the authorities most frequently referred to are : Savigny, " Storia del Diritto Romano nel Medio Evo " ; Francesco Forti, " Istituzioni Civili e Trattati inediti di giurisprudenza " ; Gans, " Il Diritto di Successione nella Storia Italiana," translated by A. Torchiarulo : Naples (Pedone, Lauriel, 1853) ; Gide, " Etude sur la condition privée de la femme " : Paris, 1868 ; Schupfer, " La Famiglia Longobarda," in the Law Archives of Bologna, Nos. 1, 2. At this date it is scarcely necessary to remark that since 1868 these studies have made enormous progress in Italy, and that many works of signal importance have been produced which were naturally unknown to me while engaged on these pages, only intended—at the moment—to assist my pupils to a clearer comprehension of the Florentine revolution of 1293, and the " Ordinamenti di Giustizia," which were its inevitable and long needed results.

[3] *Translator's note to Chapter VII.*—With regard to this chapter, I am greatly indebted to the kindness of my learned friend Mr. Ninian

learned Savigny, subsequently recognised by many Italian scholars, but has never yet been entirely satisfied. An accurate study of those old laws and statutes would make us acquainted with the public law of the communes, and place before our eyes a clear and exact picture of their political institutions which have been hitherto very imperfectly understood. Moreover, what is certainly of no less importance—it would enlarge our knowledge of our ancient private law, to which many learned authorities, among others Francesco Forti, attribute the origin of modern jurisprudence, and the germs of many jural provisions, afterwards accepted by us as novelties derived from the French Code.

Public and private law have far more affinity than is generally supposed, and each conduces to the plainer and more exact comprehension of the other. Society and the State have both their birth in the family, reacting upon and modifying it in turn. No student therefore who seeks to discover the true key to political institutions developing themselves in a country spontaneously, should neglect the constitution of the family wherein are to be found the earliest beginnings of civil law, with which political law also is more or less connected. Cases, it is true, frequently occur of one people adopting the civil law of another, without altering its own political institutions; while in other instances both are imposed simultaneously by a superior foreign force. This has led many to question the reality of the connection which in fact subsists between them. But these cases have nothing to do with that natural and spontaneous development of law of which we are now speaking. In this development,

Thompson, late judge at Calcutta, since without his skilled collaboration and revision it would have been impossible to cope with the legal technicalities of the text. My thanks are also due to Signor Del Vecchio, Professor of Jurisprudence, for his valuable explanation of ancient terminology.—LINDA VILLARI.

politics and jurisprudence, the State and the family, are found to be closely interconnected.

In the course of Florentine history we often see political revolutions break out suddenly and apparently without warning ; but on closer examination we perceive them to be the result of deep social changes which have been maturing for a long time, and although imperceptible at first, afterwards assuming such proportions as to become suddenly visible to all eyes and productive of political reforms. Thus it happens that private law, which always accompanies social movements and changes with them, not unfrequently enables us to trace the sources and unfold the true tendency and inexorable necessity of revolutions, even before they come to pass. Accordingly, the habitual neglect of this particular study in connection with the history of Italy has proved a serious defect. No one at the present day would venture to write the political history of Rome without giving attention to the Roman jurisprudence. Nevertheless, we have written the history of our republics over and over again, without bestowing a thought on their civil and penal legislation.

It is true that the investigation required presents very great difficulties, inasmuch as our history was subject, during the Middle Ages, to a series of changes, always rapid and always different. The number of our republics is infinite. Every province of Italy, every fragment of Italian territory is divided and subdivided into communes, every one of which has a distinct history, and political institutions which are constantly changing. This perpetual mutation is faithfully reflected in the statutes of the Commune. On the margins of these statutes we find alterations and corrections registered from year to year, and formulated, not unfrequently, after the streets of the city had begun to run with blood. When annotations and corrections reach a certain number, the statutes are

drafted anew, and of these re-drafts also many copies are still extant. It was the duty of the officials in charge of the statutes (*statutari*) to enter from time to time such farther modifications as were afterwards approved of in the Councils of the People. Hence it sometimes happens that on referring to the statutes of a given year, we may find the duties of some chief magistrate of the Republic set forth in their text with the most minute detail, whereas if we look to the notes it will appear that these duties have already been changed. If we next consult the re-modelled statute it will be found that the magistracy itself no longer exists. How is it possible, therefore, to give any idea of the political form of a municipality fashioned in such wise? This can only be done by gleaning from the mass of the statutes the history of the constitution through all its successive changes of form. In a word, we must recognise that, instead of being confronted by a system crystallised, fixed and immutable, we are watching a living organism develop under our eyes in obedience to a settled law. This law alone is uniform, and it is this we must endeavour to trace, since it alone can solve the mystery and supply exact ideas. Turning from public law to private legislation, our difficulties rather increase than diminish. For, in perusing this, by no means less important portion of the statutes, we come upon a confused medley of legal systems differing from and often opposed to one another. When we meet with such terms as *meta* and *mundium*, *wergild* and *morgengab*, *dos* and *tutela*, testamentary succession and succession by agreement, we recognise that Longobard law, Roman law, feudal law, and canon law are all present, and perceive that they are blended in constantly varying proportions. These diverse legal systems act and react one upon the other, producing reciprocal changes. Into the Roman law, provisions are

constantly filtering which indubitably belong to the Longobard law, while the latter in its turn is profoundly modified ("mutilated and castrated," as Gans expresses it) by the Roman law. How are we to explain this congeries of different laws? Is there any new and original principle that assimilates the heterogeneous elements and constitutes a new law? If so, what is it? This is the knotty problem which Savigny encouraged us to attack, but which we have hitherto failed to unravel. But although the question remains unsolved, its importance is now universally acknowledged; it has been carefully studied, and many treatises, including some of the highest value, have been published on the subject. Accordingly certain observations may at last be offered to the public.

The constitution of the family and its relation with the State are, as it were, the chief centre round which all fresh researches must revolve, and these form the subject of this short and summary essay. As a preliminary step towards the solution of the problem, an accurate investigation is required of the various forms that the family assumed under the various systems of law which succeeded one another in Italy, in order to ascertain how it was that from the combination of those various forms, another and widely different one should have resulted. The first question therefore that presents itself has reference to the condition of the Roman law and the Roman family at the time of the barbarian invasion. As regards the Italian communes, it is only natural that the Roman jurisprudence should strike the deepest and strongest root in their social system, and that the history of our laws should originally find in it their first beginning. Here, however, we are forced to enter on a digression which, although seemingly apart from the point, will presently help us to a clearer understanding of the new society in course of development. With regard to this digression

it should also be said that so much learning and research have been directed to the study of Roman law, that we are able to arrive at certain trustworthy conclusions which, by affording evidence of the close connection between the Roman family, and the political society derived from it, will show us what path to take in pursuit of the same connection in the history of Italy.

II.

Every student of the Pandects knows that the words "Roman law" denote the outcome of long preliminary labours, and the ultimate form of a jurisprudence which cannot be rightly understood without analysing all the historical elements employed in preparing and building it up. Treated in this way, the history of Roman law becomes, as it were, instantly transformed into a history of many different legislations following one another at intervals. From the Twelve Tables down to Justinian, this law never halts for an hour in its constant course of development. Even during the Middle Ages, when the compilations made at Constantinople were studied with religious zeal by expounders and commentators whose sole object was to faithfully reproduce and diffuse this law, even thus, in the hands of those interpreters, influenced by the altered spirit of the times and by new social developments, it underwent changes of which they were not themselves conscious. It is not until the fifteenth century that this historic development can be said to have ceased among us, and Roman law become mainly a subject of learned research. It is at this time that a new and modern system of jurisprudence first reveals itself to history, endowed with a separate life, and with a form of its own, though borrowing much from the Roman law, which

in consequence continues to be of the utmost value to us, and still deserves our most assiduous attention, although for a very different purpose from that with which it was studied during the Middle Ages. Our object is now to familiarise ourselves with an immortal monument of ancient wisdom, to shape our legal education by it, to be helped by it to a clearer understanding of our own codes, and to contemplate it in its successive manifestations, while we search for its regulating law. It is in fact the discovery of this law that has at once thrown a new light upon the whole history of Roman jurisprudence, which we perceive to have been always and unceasingly governed by it, and thus forced to assume a character so constant and continuous through all its various transformations, that what had before seemed to be a series of distinct legislations takes an entirely new aspect, making us spectators, as it were, of the evolution of a single idea, the progressive development of a work of Nature.

All this continuous progress or evolution was the result of two forces, of two different elements. The true, primitive law of Rome was the special law of the Quirites, of which we find the remains in the Twelve Tables: a severe and restricted law abounding in formulas which had to be sacredly observed, and its administration was entrusted to a small number of citizens who alone were acquainted with its rules, whose authority was sanctioned by religion. The smallest mistake of form made void the most just decree, and where the law omitted to define the formula to be observed, no valid action could be brought. When the due formula, making a contract binding, had once been pronounced, no proof of mistake or fraud could annul it. "Uti lingua nuncupassit ita ius esto." A slave to forms, the judge could not listen to the voice of morality or rectitude; the most just complaint failed to move him, unless supported by a text of law. The

defendant dared not stir a step without the continual guidance of the legislator, inasmuch as every juridical formula was sacred and inviolable; and as the science of law was monopolised by the College of Pontiffs, the most aristocratic and conservative body in Rome, it became a kind of occult science. It was this very character, however, apparently so restricted and pedantic, that gave its great force to the law in Rome. For law, being now freed for the first time from every extraneous element belonging to morals and good faith, became firm and inexorable. Any one who had the law in his favour was safe to see it promptly carried out. History affords no example elsewhere of legal sanction and redress being applied so swiftly and surely as in Rome. In Athens, indeed, where the laws were more philosophical, and the popular conscience gave judgment, investigating motives, despising formulas, and looking only to substantial justice, caprice often prevailed, and law never attained the iron strength and tenacity of the Roman jurisprudence.

But with changing times, all things changed in Rome. This jurisprudence revered as sacred, but described by Vico as *made up of formulas and phrases*, was well adapted to a rude and primitive people. Ideas had greatly altered in the days of Cicero, who in his speech *pro Murena* severely satirises a science which, in his eyes, had become ridiculous: "res enim sunt parvæ, prope in singulis literis atque interpunctionibus occupatæ." He looked upon the whole thing as a fraud designed by the priests to secure themselves a monopoly. Was he in the right or the wrong? Vico, in examining a similar question, showed that Cicero was mistaken on this score. Cicero and his contemporaries, he said, lived in too cultivated an age to comprehend rude and primitive jurisprudence; they could not grasp its true significance, but formed their judgment of the ancient laws according to the ideas and principles

of their own times. This view, which was first broached in the *Scienza Nuova*, was afterwards accepted by many other writers; and it is now placed beyond a doubt that the primitive Roman law was not the artifice of a learned few, but was a spontaneous and necessary growth among the people with whom it had its origin. At first, custom, clearly distinguished from the law formulated and written, tempered its rigid severity. Good faith and equity, disregarded and rejected by the law, found their sanction in custom, were administered by a separate tribunal, and were always respected, inasmuch as the sentence pronounced by the officiating magistrate was morally, though not legally, binding, and was therefore of great efficacy as the genuine expression of public opinion. The sentence of condemnation could not be carried out by force; but it made the condemned man infamous, and, as a last resort, the magistrate could cite the accused before the people, as the supreme legislator and judge.

But at a later date customs grew corrupt, and no longer sufficed to protect public good faith and morality, which were driven to seek asylum and sanction in the law, and so began gradually to modify its primitive character. Substance now prevailed over form, equity over the ancient text of the law, the intention of the contracting parties over words uttered by mistake; the law became more moral as customs grew more degraded. This transformation, though very gradual at the beginning, was afterwards accelerated by the new conditions of the Republic, in which a change took place not unlike that occurring in the history of jurisprudence, towards the beginning of the seventeenth century. At that time the various European States, with their various systems of law, having contracted new relations with one another, came to recognise the necessity of establishing some fixed rules by which all should be bound, and thus, under the

auspices of Hugh Grotius, the so-called School of Natural Law was built up. The same occurred in Rome, if not in the science, at any rate in the practice of law. As the dominion of the Republic became extended in Italy, its relations increased with neighbouring nations, among whom the more philosophical and less severe laws and principles of the Greek jurisprudence prevailed. It was impossible to impose upon all these nations, without modification, the rigid law of the Roman patriciate. Accordingly a new system of law, of a simpler character and wider reach, took shape and rapidly grew. This was named the *jus gentium*, to distinguish it from the other, the *jus civile*. "Jus gentium est quod naturalis ratio inter omnes homines constituit." This system, however, was not deduced from philosophic theories concerning human nature, as was the, appropriately styled, natural law of the eighteenth century; it originated in the practical needs of the Romans and their new relations with other Italian peoples: it was fostered by the principles of Greek jurisprudence that had been transplanted into Southern Italy; it met the new requirements of the Romans themselves; and taking the place that custom had previously filled in the Roman courts, grew side by side with the law of the Patricians with which it long maintained its union.

There were thus two systems of law in force in Rome; and we accordingly find on the one hand judges and courts faithful to the ancient formalism, on the other, judges and courts taking cognisance of equity and good faith, and almost discharging the duties of the Censor. The continuous onward progress of the *jus gentium*, the reciprocal action of the two legal systems ultimately fusing them into one, wherein the old Roman formation gradually lost its rigidity, and equity, becoming incorporated with the civil law, began to assume a more definite and regular form, were all consequences of the principle which dominates the

life and history of the Roman law, and may even be said to constitute it. For it has been moulded and diffused through the world, inheriting from the old Quirites its frame of iron; from contact with other races and from such germs as it could assimilate of Greek civilisation, its more comprehensive and human spirit. Assuming thus a character at once exact and philosophical, it seemed as though destined to become, from its superiority, the universal jurisprudence, the indispensable foundation, as it were, of all future legislation. This union of legal systems was effected by the Prætor. He it was who represented both the modern spirit and the ancient, enlarging the old law with the defences of equity which he strengthened by submitting it to the trammels of a formal procedure. This in substance was what took place with regard to customs, letters, and everything else. The fusion of Greek civilisation with the Roman constitutes the history of the ancient world.

III.

As is natural, we also meet with the same phenomena in the history of the family, from which the civil law is to a great extent derived. In fact, whoever contemplates the primitive Roman family, at once recognises it as the basis upon which the future juridical and political greatness of Rome was erected. The family is sacred; the father is absolute master of the goods, the liberty and the life both of his wife and of his children. He is priest, judge, supreme arbiter: wife, children, and grandchildren form with him a single joint society, one legal entity of which he is the representative. The woman may be bartered away, killed, or sold in execution; freed by marriage from the despotic control of her father, she at once falls under that of her husband; her legal incapacity lasts through her

whole life. But primitive customs so temper this harsh law that we find no other people of antiquity so observant of the sanctity of family, or showing so much respect to woman. Matrimony is styled "consortium omnis vitæ, divini et humani iuris communicatio." Divorce on the part of the husband (*repudium*) is not forbidden by law, but any man who repudiates his wife is dishonoured by the Censor, excommunicated by the priest, and for a period of five centuries few cases of repudiation are recorded. In ancient Greece some traces of oriental polygamy are still discernible, but in Italy monogamy is coeval with Rome itself. Natural children, as such, never rank as members of the family, but they may be legitimated. Adoption is a solemn act, the moral propriety of which is referred to the decision of the pontifex, as the guardian of the sanctity of the family, and is thus submitted to the popular sanction. The woman is never seen in places of public resort, nor does she attend popular gatherings; but within doors she is *domina*, and the husband addresses her by that title. The *Atrium* is the centre and sanctuary of the house. Here relations, friends, and strangers meet together; here stand the domestic hearth, the altar dedicated to the *Lares*, and all those objects which the family holds sacred: the nuptial couch, the ancestral likenesses moulded in wax from the faces of the dead, the matron's rock and spindle, the chest containing the household records and monies. All these possessions are entrusted to the care and superintendence of the mother of the family, who, together with her husband, sacrifices to the gods and assists him in the management of the common patrimony: she directs all domestic work, and watches over the education of her children. In the annals and legends of Rome the name of some heroine, such as Virginia or Lucretia, is indissolubly linked with the chief glories of the Eternal City. It is not so in

Greece. In instituting and sanctifying the family, the Romans laid the foundation-stone of the Capitol. But to maintain this primitive nucleus of Roman society firm and compact, the law must always watch with vigilance and multiply its ordinances. The property of the family must be kept together as strictly as possible and for the longest possible time. The father is its sole master and arbiter; but on his death the patrimony is equally divided between sons and daughters. The *unity* of the family must also be guarded and defended by the law, since there is serious danger that a woman marrying may carry away from the family an interest in the family property. She is accordingly subjected by the law to a perpetual tutelage which prevents her from disposing at will of her own property. On the death of her father the woman comes under the tutelage of the agnati. In Cicero's day, when, as Vico has noted, the true significance of primitive Roman law had been lost, lawyers believed that this tutelage of women had been established on account of the weakness of the sex, *propter sexus infirmitatem.* But Gaius refers to this opinion as a plausible and prevalent error, and maintains that the restriction was instituted in the interest of the agnati, so that the woman, whose presumptive heirs they were, should have no power to alienate, diminish, or otherwise defraud them of their inheritance.[1]

So long as the woman remained under the tutelage of her father, inasmuch as she had not yet inherited, the law allowed her to incur legal obligations. The danger for the family began when, on her father's death, she became an heir. It was from that precise moment, accordingly, that she came under the tutelage of her own heirs the agnati, and could no longer bind herself without their consent. This tutelage, therefore, became not merely a duty on the part of the agnati, but was also a right and privilege. Where

[1] Gaius, i. pp. 190–2.

the agnate was a minor, of weak mind, or otherwise incapacitated, he did not forfeit this right, but it had to be exercised by a third party. The tutor fixed the dowry to be given with the woman on her marriage ; but the remainder of her patrimony had to be preserved intact, that it might return afterwards to the agnati. No woman could make a will, that she might not have it in her power to defraud the family. On passing *in manus viri*, the woman underwent a *capitis diminutio.* She entered another family, as it were, *loco filiæ*, and her new relations became her lawful heirs. Under these circumstances the law permitted her to make a testamentary disposition, whereby, notwithstanding her new relationships, she might restore her patrimony to her own original family.

When the woman was under the *manus* of her husband, she was emancipated from the paternal authority and from the tutelage of her agnates. The displeasure thereby caused to her own family was so great that, before long, marriage by simple consent was resorted to, according to which the woman became personally subject to her husband's authority, but he had no right of *manus* over her, and consequently no power over her property. In this way the woman remained under the power of her father or of the agnates, and at the same time came under the authority of her husband, an arrangement that inevitably led to many collisions, and hastened the advent of the most radical change in the Roman family—the complete independence of woman. But, before reaching this point, disputes were for a long time kept in check and efficaciously remedied by the mediating influence of a most important institution—the domestic tribunal. This family council, regulated by usage, not law, was composed of agnates, cognates, relations, and sometimes also of friends. It presided at espousals and at the assumption of the *toga virilis;* it protected orphans; it aided the head of the

family in adjudicating and in awarding punishment, and acted as a restraint on his authority. By law, the father could act even without the co-operation of the Council; but by doing so, he exposed himself to being publicly blamed and noted with ignominy by the Censor, who, if necessary, might accuse him before the people. The marriageable maiden was subject to and protected by this Council.

Becoming a wife by that form of marriage which brought her *in manus viri*, she left her own family to become member of another; but if not married under that form, she still remained subject to the family Council, in which her husband was now included.

IV.

In the age of Cæsar, the Roman family is no longer what it was at first. Laws, usages, ideas, all are changed; and everything is moving onward to a still more radical transformation. The *jus gentium* seems to have become identical with the more rigorous *jus civile*. The *fidei-commissum* has almost the force of a testament in solemn form, and has become part, as it were, of the *jus civile*; *verbal contract*, the ancient *stipulatio*, once so hampered by formulas, is grown so flexible as to resemble a contract under the *jus gentium*. But the greatest change of all has taken place in the family. The domestic hearth is no longer the household sanctuary. The *Atrium* is transformed into an open courtyard, enlivened with flowers and limpid fountains, ornamented with gilded busts and statues, often of an obscene character. Sacrifices are no longer offered there to the gods amid the stillness and purity of domestic and religious affection; it now serves the enriched and corrupt patrician as a place of reception

for his numerous friends and clients. The family of former days, once almost a State within the State, is now dissolved, and, as it were, swallowed up by the political power. The agnates no longer cleave together, the domestic tribunal has either lost its strength or has entirely disappeared. Paternal authority, though less absolute, is more oppressive, being no longer in harmony with the changed customs. If a father disinherits his son, the judge cancels the will. Should he refuse consent to his son's marriage, the State compels him to grant it; should he punish his son with death, the emperor sends him into exile; he cannot ill-use even his slaves without being punished by the law, for the law has grown moral as manners become more corrupt. By gradual degrees woman escapes from tutelage and from *manus*, and ultimately attains her independence. But the more she is emancipated from her family and relations, the greater becomes her subjection to the State. In her new independence she incurs new disabilities, no longer resulting from her position as daughter or wife, but from the fact of her sex, disabilities no longer imposed in the interest of the family, but created as a protection for her infirmity. This explains how it was that the lawyers of later days were mistaken as to the significance of the old law touching the *tutela* of woman. The wife's dowry is guaranteed to her more and more strictly, until it finally becomes her almost inseparable property. It must neither be alienated nor diminished. On her becoming a widow, being divorced, or returning to the paternal roof, she remains absolute mistress of it. A husband who surprises his wife in adultery can no longer—hiding his dishonour within his own walls—judge and put her to death with the consent of the domestic tribunal. He must now leave the State to avenge his wrongs, and must resort to the courts, even though seeking only minor penalties. Divorce

has become a public act of not unfrequent occurrence. The woman, in short, is no longer under her husband's *manus*, no longer subject to the *patria potestas*, no longer under the tutelage of the *agnati:* she is protected by the State. When the law still requires her to have a *tutor* or procurator, she can choose a stranger who becomes her servant rather than her master. Eventually even this last shadow of subjection disappears. Absolutely her own mistress, the woman may now hold property, increase her fortune, make her will, lose her virtue; but her dowry, guaranteed and kept intact by law, remains hers to the end of her life.

Nevertheless, as regards succession, the woman's rights are not yet the same as the man's. It is true, that should her father die intestate, she takes an equal share with her brothers of the inheritance; but in all other cases of intestacy the nearest female agnate stands after the most distant male. The woman cannot now do any legal act for others, though this had not been forbidden previously; she cannot be a witness; she cannot stand security for the debts of others. The *Senatus-consultum Velleianum* lays it down as a fixed rule, which, to a certain extent, has remained in force to our own days—that the woman must not undertake any obligation on behalf of others. She may alienate her possessions in others' favour, may incur a direct obligation, contract a debt, and transfer the money to others; but she cannot bind herself to pay another's debt, nor guarantee its payment. In the legislator's opinion, the infirmity of her sex leaves her enough intelligence to escape danger in assuming direct obligations, or by alienating her property, but not enough to guard her from lightly undertaking remote and indirect liabilities which are often no less serious.

But the progressive changes in the Roman family are not yet at an end. To the numberless causes for change

already in existence another is added, when Christianity finds its way into the Empire, into literature and law, and subverts all things. According to the law of Christ, man and woman are equal; father and mother have equal rights and duties in respect of their children, for whose advantage all things must be ordered; whereas, by the old law, the rights of the children were subordinated to the interests of the family. A new element is now introduced into Roman law which further changes its character, already much modified by Greek philosophy and by Byzantine despotism. The Canon law accepts the principles of the Roman, recognises the wife's absolute interest in her marriage portion, and rejects the pretensions of the husband. Woman remains excluded from every office which the ancients deemed proper to man; she cannot enter into obligations for others, nor arbitrate, nor lay an accusation, nor bear witness in court; her evidence has no legal effect. On the other hand, Roman law tends inexorably to democratic equality, natural equity, and to the absolute predominance of the State. The public authority deprives domestic authority of its last remnants of power; it may almost be said that the family, as a body-politic, disappears, to be reconstituted on a footing of reciprocal affection. The final seal to these alterations was imposed by the famous law of succession (Nov. 118 and 127) enacted by Justinian in the years 543 and 547, which, suppressing every privilege of sex and agnation, fixes rights according to the degree of relationship, and makes them reciprocal. It moreover enlarges the amount of the legitim, and ordains that the dowry of the wife should be met by a *donatio propter nuptias* of equal value from the husband, and that, in the interest of the children, both should be inalienable. Even with the consent of his wife, the husband cannot sell the dowry; he may only administer it, and there must be complete reciprocity. The wife is

not only the owner of the dowry, she has besides a general charge over her husband's property for its restitution, with a right of action to enforce it as against all his other creditors. In inheriting from their children the mother has equal right with the father, and she is now qualified to be their guardian. Even the *Senatus-consultum Velleianum*, which forbade women to incur obligations on behalf of others, is modified with the same scope. Justinian, indeed, from his desire to protect the property of the woman against all danger, is strenuously opposed to her incurring obligations on behalf of her husband; but he is much more indulgent in respect to obligations undertaken on behalf of a stranger. These, if incurred for manifestly good cause, are valid if renewed after two years. Thus modified, the *Senatus-consultum Velleianum* is treated with respect throughout the Middle Ages. Reciprocal equality is now achieved, but the ancient unity of the family is dissolved; the compact and iron nucleus of Roman society is broken to fragments by the continual and increasing action of the State. In all her institutions, Rome has succeeded in arriving at democracy and equality, but at the cost of complete individual liberty, and by sacrificing the development of special associations and of local life to the unity of the State. How to conciliate these two elements without destroying the one in the interest of the other will be the problem of a new era and a new civilisation.

However highly we may rate the amazing and indisputable greatness of the labours of Imperial legislators and juris-consults collected in the *Corpus iuris* in the time of Justinian, it is nevertheless certain that the ancient and primitive character of Roman law has been profoundly changed by it, and that the despotism of the State, always prevalent in Rome, has been enormously increased. It is for this reason that Tocqueville, and others with him, go

so far as to maintain that the great diffusion of the Justinian law among the Latin races has more than once proved hurtful to political freedom. To many, such an assertion may seem absurd; but granting that there is a close bond of connection between private and public law, and that the final changes in Roman law were introduced by the action of the growing despotism of the State, the opinion advanced by the French writer is not without its value.

V.

However that may be, it is undeniable that the family, as we now find it constituted, or, more correctly speaking, weakened, by the Justinian law has not the qualities which would enable it, in the ages of barbarism now at hand, to withstand the violent onset of the advancing Germanic peoples, much less to be the nucleus and germ from which the new society of the Italian Commune may take birth. In fact, in the statutes we find the family constituted on a very different footing. Agnation has recovered its ascendancy. The woman is under a new species of guardianship; and although the dotal system is rigorously observed, there are innumerable regulations designed to keep family property together, or make it revert to the family, so as to preserve the domestic patrimony intact. Here an important question arises, namely, whether this new constitution of the family, which stands in close relation with the public law of the communes, is a return to the pre-Justinian law, or derived from Germanic institutions and the Longobard law, in which we find, in fact, precedence accorded to agnate kin and a more stable family organisation? Italian writers, the earlier writers more especially, adhered for the most part to the former theory, while the majority of German authors, who have recently

found disciples even among ourselves, adopt the second view. Thus, on either side we find theories propounded as to the constitution of the Italian family in the Middle Ages, analogous to those concerning the origin of the communes.[1]

The persistence of Roman law in the Middle Ages, even when the condition of the Italians was most wretched, and when all things seemed to be subject to the law of the Longobard, was maintained with marvellous learning and acumen in the immortal work of Savigny. But, in truth, though public law and penal law might readily be altered under the rule of the conqueror, there was little likelihood that the civil law which, for so many centuries, had filtered into the usages and into the very blood of the Romans, which had regulated the manifold relations of a civilised people and satisfied its countless requirements, should perish utterly beneath the sword of barbarians unconscious of those requirements and not always able to comprehend those relations. Matters of which they were to a great

[1] Comitis Gabriellis Verri, "De ortu et progressu iuris mediolanensis," &c. In Book I. of this work we find, among others, the following words: "Quæ omnia manifeste demonstrant, maiores nostros maximum atque perpetuum studium contulisse ad agnationem conservandam pro veteri xii. tabularum iure, a Justiniano postea immutato, quo certe nihil ad servandum augendumque familiarum splendorem . . . utilius, commodius, aptius, commendabilius potuit afferri."

Another of those old writers on law who steadfastly maintain this view is Cardinal De Luca, who, in his "Theatrum veritatis et iustitiæ," makes a singularly angry attack upon Justinian and all agreeing with his views on the subject of agnation. According to De Luca, the Italians never accepted the reforms, or, rather, as he calls them, the *destructions and corruptions*, favoured by Justinian.

Even Giannone, in his "Storia Civile del Regno di Napoli" (bk. iii. paragraph v.), says that Justinian's works met with no favour among us. "They found no acceptance either in Italy or in our provinces, nor could they be planted and strike deep roots here, as on foreign soil; on the contrary, the ancient books of the juris-consults were retained, and the code of Theodosius lost neither its reputation nor its authority."

Here it may be well to remark that the persistence of the Roman law in Italy during the Middle Ages, maintained by Savigny, but combated by others, is now admitted on all hands.

extent ignorant, or as to which they were indifferent, must often have been passed over without notice in the laws framed by the barbarians, or have evaded their action. Various provisions, therefore, of the Roman law—those, for instance, relating to marriage, to succession, and to contract—must often have continued to be applied by the Italians in conformity with ancient usage. This will be more readily understood if we reflect that while the Roman law had become the law of *all* in those countries in which the Roman conquest had taken deep root, the laws of the barbarians, on the contrary, according to Teutonic usage, always presented a personal character—that is to say, extended only to the people with whom they originated, and were not easily communicated to others. In fact, when, as a consequence of successive invasions, different Germanic tribes, whether independent of each other or in subjection one to another, came together in the same country, each of them continued to be governed by its own peculiar laws. The Romans, on the contrary, regarding their law as universal in character, communicated it to, and imposed it upon all. It was almost the first germ of the greatness and the civilisation of Rome, and for that reason its diffusion was considered the most sacred of duties by this sovereign people. Thus it was that, even under the harshest barbaric oppression, the Roman law continued to be the private law of the Italians in all those cases, and they were not few, in which the German laws failed to notice it, and neither abrogated it directly nor substituted another in its place.

But the presence of two diverse legislations, the one imposed by force, the other preserved by custom, the radical change of conditions occasioned by the destruction of the old Roman State and the formation of a new society, could not fail to originate a new life, a new history for the Italian law. In the

statute books of our communes we find Roman and Longobard law confronted and almost contending, each modified in turn by the action of the other. But under which of the many forms through which it has passed is the Roman law found among us at the moment when it seemed on the point of being overcome by the Germanic law? Was it in the literary and philosophic form given to it by Justinian, or was it in the *pre*-Justinian form, which, while less systematic, was also less altered by Byzantine ideas, and more in accordance with usage? Savigny roundly asserts that the Pandects on their completion were at once sent into Italy, and that immediately after the power of the Goths had been shattered by the Greeks Justinian hastened to issue the Constitution (534), whereby legal effect was given to them in the land. In consequence of this, he continues, the Pandects were then to be met with in every corner of Italy, where they were at once received with favour, inasmuch as the Justinian law was specially adapted to the requirements of the land. This, he goes on to say, likewise explains why it was that all the earliest Italian commentators or glossators devoted themselves exclusively to the study of the *Corpus iuris.* The reader, however, may easily discover that, on this head, Savigny has pushed his inferences too far. More than once, indeed, he is compelled to put a false interpretation on documents that they may not contradict his theories ; and more than once the documents themselves seem to warn him that, even in the Middle Ages, vestiges of a *pre*-Justinian law are to be traced ; but he persists still more resolutely in considering all this to be only a survival of antiquated forms. Many new documents have recently been published, and the question again presents itself, always with the same urgency.

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[*Pages* 24–25.

history of Roman law in the Middle Ages should be divided into two entirely distinct periods.[1] During the first it endured by force of custom, and accordingly many pre-Justinian formulas survived with it; in the second and much later period the Justinian law prevailed, promoted still further by the literary study of the Pandects undertaken by the Bolognese professors; it was only then that the most ancient formulas wholly disappeared. This view is supported by documentary evidence and harmonises with the character of the times and with the requirements of society, and is confirmed by our old writers and our literary traditions.

In fact, Savigny himself examines and recognises the full importance of the various sources of *pre*-Justinian law diffused in the Middle Ages. The code of Theodosius (438) which then possessed great authority, and the edict drawn up by order of Theodoric the Ostrogoth (500), were direct compilations of the old Roman Jurisprudence.

If in these compilations we turn our attention to the constitution of the family, more particularly as regards succession, we find it exactly as it was before the law was interwoven with the Imperial edicts.[2] The Breviary of Alaric ("Lex Romana Visigothorum") and the so-called *Papian* code ("Lex Romana Burgundiorum"), both posterior to the year 500, are likewise compilations of *pre*-Justinian law, and are found to be diffused in several provinces of the Empire. The often-mentioned "Lex Romana Utiniensis, seu Curiensis," which seems to be ninth century *rimpasto* of Alaric's Breviary for the use of Italians in lands previously under Longobard rule, also

[1] Dr. J. Ficker, "Forschungen zur Reichs und Rechtgeschichte Italiens," 4 vols. Innsbruck, 1868–74.

[2] Gans, while accepting the ideas of Savigny as to the diffusion of the Justinian law in Italy, also takes this view, which is in accordance with his own theory that the new forms of the Italian law were derived from the laws of the Longobards.

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shows the same characteristics. It is true that, according to the hypothesis of Savigny, the Breviary of Alaric must have been in use among the Franks and brought by them to Italy after the expulsion of the Longobards. In this case we should find the old law to have been in force among us only before and after the period of the Longobards; while during their oppressive rule we should discover no certain trace of it. But it is very difficult to suppose that the ancient law, based as it was upon custom, should have died out precisely when custom might have preserved it, or that Roman law should at that time have assumed the literary Justinian form and afterwards have returned to a form more primitive. Had the legislation of Justinian in its genuine form been once accepted, it must have continued to gain ground with the advance of civilisation and under the less severe rule of the Franks, whose mode of life approached much nearer to that of the Latins. The fact is, that throughout the Middle Ages we meet with pre-Justinian legal forms, more or less modified, even among the laws of the Longobards.[1] As to the remark that the earliest Italian commentators, the *glossators*, directed their studies to the Pandects and the whole of the *Corpus iuris*—this only shows that on the revival of the communes and of letters they turned, as was natural, to the most authoritative and literary source of jurisprudence. From that time, in fact, no other is looked for.[2]

It should also be remembered that, when the Greeks

[1] Baudi de Vesme, in his notes on the Longobard laws, repeatedly remarks: "Theodosiani juris vestigia hic agnoscere mihi vedetur." Del Giudice has recently proved that certain passages are taken from the Justinian law and others from the Theodosian code.

[2] This discussion may now be considered superfluous, it being generally acknowledged at the present day, that even subsequently to Justinian's constitution, the Theodosian code continued in force. In this way the Justinian and pre-Justinian forms had a contemporaneous existence, only the Pandects were longer neglected.

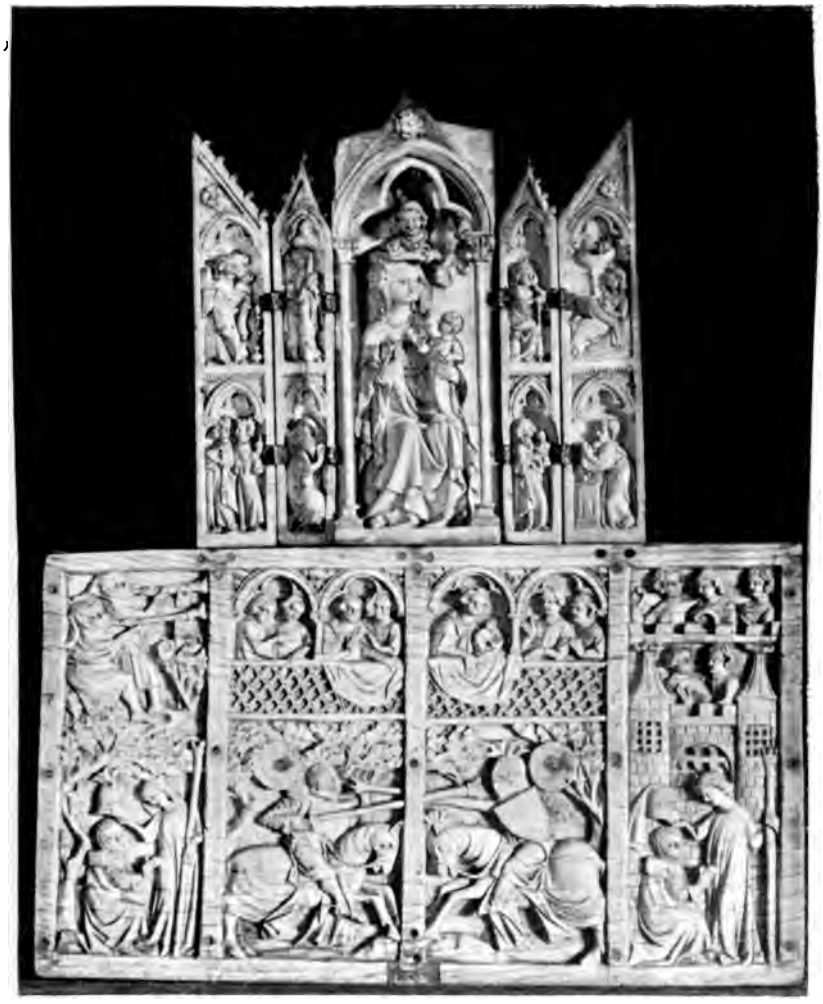
came into Italy to combat the Goths, they found the ancient Roman customary laws in force and sanctioned by the edict of Theodoric; that the Goths were definitely vanquished in 553; that in 568 the Greek domination was followed by that of the Longobards; that the latter confined their rivals to Southern Italy, whence they were afterwards expelled by the Normans. There, in the south, the corrupt Byzantine despotism proved no less fatal than the oppression of the barbarians, and was perhaps the prime cause of the many disasters and prolonged neglect into which those provinces afterwards fell. But was it possible for a dominion so brief and troubled to diffuse the law of Justinian in Italy with such effect as not only to make it universally accepted, but also so thoroughly incorporated with customary law, that it could survive even when its binding legal effect was no longer recognised by the barbarians?

Such an hypothesis will seem even less tenable as regards everything relating to the family and to succession, if we reflect that the reforms introduced into this branch of the law by Justinian at Constantinople in no way corresponded to the conditions in which Italy then stood. Notwithstanding the diffusion of Greek philosophy among us, the spirit of Byzantium was by no means identical with that of Rome, and there was still less identity in their social conditions. In Constantinople Oriental despotism corrupted, nay, suffocated society by excess of luxury and over-refinement of culture; the State assuming everything to itself, imparted a new character to the laws. In Italy, on the other hand, society, no less corrupt, had become disintegrated, and was already falling to pieces; the ancient unity and strength of the State were continually diminishing and losing strength, and less and less resistance was opposed to the assaults of the barbarians. At Constantinople the State was omnipotent, while in Italy

its vigour was on the wane. Among us, accordingly, women and all who were weak were naturally driven to seek refuge in private associations, and above all in the bosom of the family. And if the natural force of events had power to urge in any direction, and determine any new tendency, it certainly could not have aimed at enfeebling the family bond by subjecting it to the authority of a tottering State, but must rather have sought to strengthen it as the only possible safeguard amid the dangers that were threatening on every side. This, in fact, is the course always followed in barbaric societies, where, the State being powerless, the care of the weak and the punishment of injuries are entrusted to the kinsmen. In short, both the disordered condition of Latin society and the example of the barbarians themselves combined to offer grave obstacles to the diffusion of Justinian's laws, more especially when the old Roman customs were seen to be better suited to the new and increasing needs of society, and useful for the reconstruction, on a firmer basis, of the old family system, now become more essential than before to the common welfare. No other way was left for beginning anew the social task and advancing afterwards to new methods and institutions. Nor need we attach much importance to the constitution of the year 534, knowing how wide is the difference between the promulgation of a law (especially when it is passed by a short-lived and feeble Government in a society that is lapsing into disorder) and its actual enforcement and incorporation with custom. Even under the Roman Republic, or under the Empire, old laws did not at once disappear when new ones were proclaimed. Even in modern societies we may note how tenaciously ancient customs continue to be observed when they are more in harmony with the character and requirements of the people.

The principles of the Napoleonic code were proclaimed in our Southern provinces during the French domination and afterwards confirmed by subsequent legislation; and according to that code, every patrimony was bound to be divided equally among the children. Nevertheless, in the two Calabrias and many other Southern provinces, property is still kept undivided in the family, since, by common consent, only one of the sons marries, the others remaining single. For the same reason, the smallest possible sum is assigned to the daughters; nor do all of them marry, some being persuaded or forced to take the veil. Social progress alone will slowly give real effect to the principles of equality sanctioned by the codes.

Everything therefore points to the conclusion that Roman law survived among us to the downfall of the Western Empire, preserving by usage many of the forms that had belonged to it before the compilation of the *Corpus iuris*. While in this state it came into contact with the Germanic code, and thereupon began the series of mutual alterations, from which the Italian family emerged, reconstituted in a totally new way, and together with it the Commune. It was a slow transformation, during which Latin ideas and traditions steadily gained ground, and gradually fused or destroyed the barbarian laws and institutions. When communal liberties were finally proclaimed, a new culture was inaugurated, and with it a new epoch in the history of Roman law. The university of Bologna became the centre for the diffusion and study of the Pandects, and the *Corpus iuris* became speedily regarded as the primary and perennial source of common law in our country. The tradition, according to which the Pandects of Amalfi, carried off by the Pisans, were by them discovered and made known for the first time to the Western world, dates this event about the year 1135, that is to say in the same age that witnessed the rise of



ANCIENT SHRINE, RAVENNA.

[Pages 28–29.

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the communes, and in which, as related by another tradition, Guarnerius founded the Bolognese school at the request of Countess Matilda.[1] Thus our conclusions are supported alike by history, legend, and logic.

VI.

In Italy, therefore, at the beginning of the Middle Ages, the family accorded a preference to the agnates, and, in consequence of the continuous weakening of the State, was obliged to seek in itself for increased strength. The inroads of the barbarians brought with them a different constitution of the family, but this could effect no great change in our own family system until the Longobards had firmly established their dominion over us. There then began a great change in the social condition of Italy, which was forcibly compelled to assume a form more or less barbaric. Hence it concerns us to study the Longobard family system, that we may see how far and in what way it could thus alter ours.

Like every other barbaric society, that of the Longobards was founded upon force; in time of war it was compactly united under a king; during peace it split into groups, from want of vigour in the central authority, and from the excessive independence of subordinate chiefs. Hardly had barbarian kingdoms begun to be erected in the West with a certain degree of stability, than we find them subdividing into marquisates, dukedoms, separate groups, and at a later period into feudal holdings. If we look to the primitive condition of these barbarians before they come among us, we find them scattered over

[1] According to Savigny, the school of Guarnerius was already flourishing in 1113–18. It is now well ascertained that this school was preceded by others adhering far less closely to Justinian forms.

the country, without any city properly so-called, and with no true conception of the State, which for them seems to consist in a confederation of secondary groups. The social unity of the barbarians is to be found in the villages or even in the tribes, which are societies originally derived perhaps from a single family. Everywhere the State assumes family forms. The social strength of the Germans is more manifest in the lesser groups, and consequently in the family. We ought not to be surprised, therefore, at finding the family constituted more solidly with them than among the Latins, who now, for many centuries, had been altering and modifying it under the growing pressure of State control.

Originally the barbarian family had been, like the Roman, an association consecrated by religion. A tutelary goddess presided over the domestic hearth; the father was priest and protector of the family. In Rome the control was in the hands of a single person, who ruled with an iron authority, but in Germany this authority was shared by all male members of the family fit to bear arms. At Rome the family was an absolute monarchy, its senior members being always regarded as the most powerful; but in Germany it more resembled a Republic, consisting of all the adult male members, except such as were disqualified by bodily infirmity. The family council aided the Roman father and tempered his rigid despotism; whereas in Germany the council predominated and assumed to itself the chief share of the family power. The Roman father could rupture every domestic tie at his will; he could remove his son from the family, sell him, or put him to death. The German son, on the contrary, when able to bear arms and fight by his father's side, might, if he chose, separate himself from his original family and join another tribe. Among the Germans bodily strength, property held in common, and natural ties of blood constituted the

family; in Rome it was the conception of the family in itself that dominated over everything and made it authoritative and sacred. In Rome the individual was merged in the State, the son in the father; whereas, among the Germanic tribes, individual liberty was much greater, and if to us the State has the appearance of a confederation, the family seems a society of more independent members united by mutual agreement. Punishments, transgressions, property, all were in common; if any member of the family suffered wrong, it was the kinsmen's part to avenge him and obtain retribution. For sales and donations, as well as for acts of revenge, the consent of every member was required, inasmuch as the property belonged to the whole family, and ought to stay with it: whence the inutility of testamentary dispositions, which were in fact unknown to the barbarians. Property was sacred; it constituted the family, conferred social rights and obligations, and rested chiefly in the hands of the males. In this family, and in this society founded wholly on force, the woman, being incapable of bearing arms, was committed, like all the other weaklings, to the defence and protection of her armed kinsmen, and so came under their perpetual guardianship (*mundium*, *munt*, *manus*). This tutelage being established on account of the weakness and infirmity of the sex, could never come to an end, as it might in Rome, where it had been constituted wholly in the interest of the family. But the Germanic woman, although oppressed, liable to be deprived of her property, to be sold, or made a slave, was under a power which, being divided among many, was feebler and less despotic than the Roman domestic rule. She was a dependent member of the family, but the authority of her father, brothers, or sons was shared by all her other kinsmen. Hence it was easy for the woman to find a protector. Her incapacity by reason of her infirmity did not

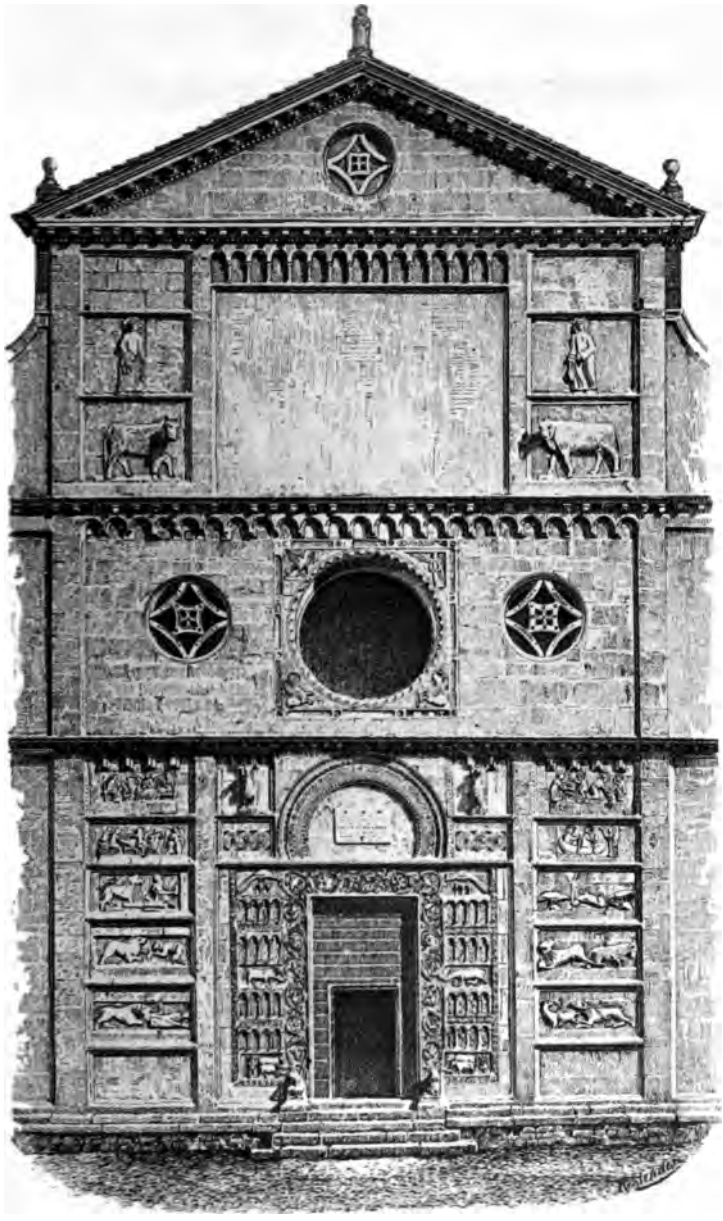
entail incapacity in the eye of the law. She could appear in court, choose some one to represent her there; she could own property; she could inherit, although taking a less share than would have come to her had she been a man. The man listened to her advice, and treated her with religious respect; but it was the respect due to her weaker sex, not as in Rome, where respect was offered to the mother, to the wife, to the sacred character which was the foundation at once of the Roman family and of Roman greatness.

Longobard law, essentially Germanic, prevailed long in Italy, where plain traces of its survival are to be recognised as late as the fourteenth century. Under the stronger influence of the Roman jurisprudence it very soon lost its native rudeness and originality. As to this change, Gans, in his "History of the Law of Succession," has observed: "The fact that after the historical redaction of this law, another and systematic compilation of it was made, should prove to us how it was that the more confused, but at the same time more natural, spontaneous, and vigorous character of the Germanic law must necessarily have been altered, and as it were crystallised into a form that rather belongs to the Roman." It was precisely this form that so greatly promoted its diffusion among us.

VII.

With the Longobards, as with all the Germanic nations, woman was never released from tutelage (*mundium*), never became her own mistress (*selbmundia*). The man who desired to make her his wife must first of all pay the price of the *mundium* or guardianship which the marriage would give him over her; next he must bind himself to make good the *meta*, a species of dowry noticed by Tacitus

when he remarks that, among the Germans, the husband brought the dower to the wife, instead of the wife bringing it to the husband. To the *meta*, also known afterwards under the name of *dotalitium*, *dos*, *sponsalicium*, &c., there was added the *faderfium*, which the father might, if he chose, give to his daughter. On the morning of the day after the wedding the husband presented his bride with a gift (*morgengab*), intended, according to a very questionable interpretation, as the price of her virginity. When Longobard customs came to be affected by the growing influence of the Roman law, the amount of the *meta* and of the *morgengab* was restricted. In the age of the communes, the *faderfium*, now transformed into a dower, was also limited by law. The *meta*, *faderfium*, and *morgengab* belonged to the wife, who could require them to be given up to her on her husband's death. But by a peculiarity of the Germanic law, retained in its entirety even by the Longobards, the Roman regulation, which made the dower the separate and independent property of the wife [even during her husband's lifetime], was never accepted. The only property owned absolutely and exclusively by the woman was what was given her by the husband. The Germanic law favoured the principle of common ownership. As to this, Gans observes :—" It is not necessary with us, as with the Romans, that a woman should have separate property of her own in order to assert her juridical personality, and prove her equality with her husband. She possesses what her husband possesses, and her equality rests on the mutual affection which makes all differences disappear." In the ordeal by combat the husband represented the wife, since she was under the protection of his sword ; if she were taken in adultery he might put her to death. All her possessions, movable or immovable, including even nuptial gifts made to her by friends, became the property of her husband, who had only to provide



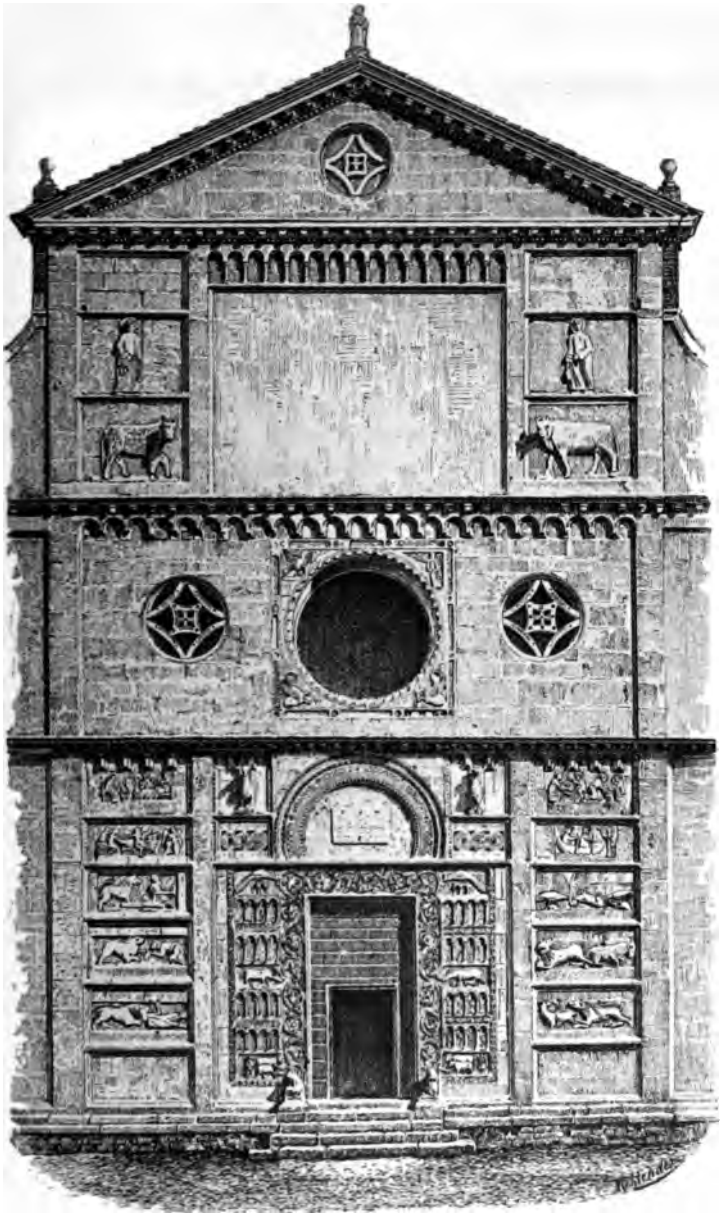
LONGOBARD CHURCH, SPOLETO, pp. 34-35.

against the contingency of the marriage being dissolved by death: whence the necessity of the *meta* and the *donatium.*

If the wife died without issue, everything went to the husband; on the husband's death, the wife was entitled to receive the *meta* and *morgengab* (donation). For anything more she was entirely dependent on the generosity of her husband, who, at a later period, was permitted to leave her the half, and, eventually, the whole usufruct of his possessions.

While the marriage laws of the Longobards and the Romans differed thus widely, their laws relating to guardianship were also different. The *mundium* of the Longobards, as we have seen, is not to be confounded with the *tutela* to which the Roman woman was subjected. Originating in the incapacity to bear arms, it was of limited duration in the case of males, and ceased with their incapacity. At first the limit was fixed at the age of twelve, at a later period of eighteen years. But for the woman, who could never become capable of bearing arms, it was perpetual. From the *mundium* of her father, she passed, on marriage, under that of her husband; and on the death of her father, if then a widow, under the *mundium* of her own son, or of the agnates, who were also her heirs.

In default of other guardians she was protected by the *Curtis Regia.* But in every case, whether under father, husband, son, agnates, or *Curtis Regia*, the *mundium* was identical in character, having for its object the protection of the weak. This could not be said of the Roman *tutela*, which had its origin in the Roman conception of the family. The *tutela* of the Roman father over his children lasted all his life; but he could divest himself of it. The *mundium* of the Longobard father lasted while his children were incapable of bearing arms, and, as a logical conse-



LONGOBARD CHURCH, SPOLETO, pp. 34-35.

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quence, ceased when the incapacity terminated. While it cannot be positively asserted that emancipation was unknown to the Longobards, it may be believed, from the tendency of their law, to have been of rare occurrence. When the Roman woman was subjected to the *potestas* of her father, the *manus* of her husband, the *tutela* of the agnates, there were three kinds of guardianship very different from each other, corresponding with the difference in the domestic relations of those who exercised the right. No one of them had anything in common with the *mundium.*

The Longobard father had the right to sell his sons; he represented them in courts of law; whatever they acquired was his. But, as we have already shown, his authority was tempered by the family council, in which the brothers of the mother—the children's natural protectress—had much to say.

The Longobard family law has marked peculiarities in regard to succession as well as to marriage. And first, it should be noted that the disposal of property by will was recognised by the Longobards. This seems contrary to the usage of the Germanic tribes, among whom wills were unknown, but may be referred to the modifying action of the Roman on the Longobard law.

The fact, however, that with the Longobards donations and wills were irrevocable, indicates a Germanic character, or rather the trace of it, for the main feature of the Roman will consisted in its revocability. Of the essential principles of the Roman *Testamenti factio* the Longobards were ignorant. Legitimate children came first in the order of inheritance, and with them came natural children also, the latter—though not in strictness forming part of the family—being admitted to succeed along with the former, though taking a less share. They might, however, be put on an equal footing by being legitimated.

At a later period this essentially Germanic peculiarity of the laws of succession was done away with by the action of the Roman and Canon laws, which exclude natural children. Originally, by the Longobard law, a legitimate child took two-thirds of the inheritance, leaving one-third only to the natural children. If there were two legitimate children, the natural children took only a fifth; if three, a seventh.

It was forbidden to leave more than the prescribed share to natural children, and no child could be disinherited without just and manifest cause. The reasons for disinheriting a child were borrowed from the Roman code. It was allowable, however, to favour one son more than the rest.

The preference accorded to males over females is a point of much importance, and is another of the special characteristics of the Longobard law. When the testator had one son and one or more unmarried daughters he was obliged to leave a fourth of the inheritance to the latter, but when there were several sons the daughters only received a seventh part. Married daughters had no right to any share in the inheritance, but had to be content with what they had received on the day of their marriage, and could claim nothing more. Failing male issue, daughters were next heirs, and whether married or single inherited as though they were males. Another peculiarity of Longobard law was the great favour shown to daughters or sisters of the testator domiciled in his house—*in capillo.* A brother is excluded in favour of a daughter or niece—a remarkable instance of this strange and singular preference accorded to females. We likewise find that unmarried daughters and sisters inherit on equal terms when living under the parental or fraternal roof.

We have already noticed that the statutes of the Italian

communes accord, as does also the Longobard law, a decided preference to *agnates* over *cognates*, and that this circumstance has given rise to keen discussion. Many persons, indeed, insist on detecting in this preference an absolutely Germanic characteristic transfused into the statutes from the Longobard law. But we have seen that through the greater part of its history the Roman law also gave a preference to the agnates, and that it was only at a very late period that it lost this feature, which was still to some extent retained in Italy at the time of the barbarian invasions. That the preference of the agnates was not borrowed by the statutes from the Longobard law will be even more conclusively shown if we consider the manifest differences which prevail on this very point between the Germanic and the Italian laws; and bear in mind the important fact that the preference continued to increase in strength, at the very time when the action and influence of the Roman law are increasingly apparent in the statutes. In truth, the more closely we examine the matter, the more we are compelled to recognise that it was political reasons altogether peculiar to the Italian communes and to Italian society in the Middle Ages that led to this preference of the agnates. But even here the reciprocal action of the one law upon the other is clearly traceable, for we can perceive that the succession of the agnates, under the Longobard law, has itself been modified by the Roman, which has made it careless of the nature of the property of which the inheritance consists; whereas it is the peculiar and constant characteristic of the Germanic law that such succession should be ruled according both to the degree of kinship and the nature of the inheritance.

In conclusion, it may be said generally that with the Longobards the ties of blood predominate; that in their family there is greater individual freedom, and the

family itself is much less affected by the action of the State. With the Romans, on the contrary, the conception of the family is stronger than the ties of blood; the unity of the family depends at first on an absolute paternal despotism, afterwards destroyed by the authority of the State, which to a great extent assumes its place.

From this time the State is predominant in all things; it reduces the family to fragments, and aims at the complete equality of all without having the strength to consolidate a society in which neither individual liberty, local activity, nor free associations were allowed sufficient scope for their development. Yet all these were absolutely necessary for the preservation of a huge social structure made up of distinct races, and consequently destitute of the national character and unity which the Republic and the Empire had imposed. It was precisely these new elements that were introduced among us by the barbarians. And thus it was that two peoples, two forms of family and society, I might almost say two ideas, two wholly different types of society were brought together, of which the one had become the necessary complement of the other. From their forests the Germans brought individual freedom, personal independence, the force of small associations; the Latins had already discovered the unity of the State, the wider and more organic conception of society, and the political idea of the family which we shall see hereafter triumphing in the Commune.

From the fusion of these two different societies that modern society is to arise in which the action of the one is seldom dissociated from that of the other, and it becomes impossible to ascribe the result exclusively to either.

VIII.

But while the co-existing and contending laws of the Romans and Longobards are the two juridical elements most plainly to be recognised in the Italian statutes, there are others also claiming remembrance, and among these the feudal and the Canon law must be noticed. Feudalism is one of the most important institutions in the history of the Middle Ages; it is the first form that society assumes on emerging from the chaos of barbarism, and it is stamped with a character essentially Germanic. With it, property and the family take a new and peculiar shape. We may pronounce it to be the first and chief political and social manifestation of Germanic individualism. The barbarian tribe had a natural tendency to split into small groups, into families solely united by the bond of common danger. During invasions the tribe transformed itself into an armed band, left behind all weak or incapable members, accepted recruits even from neighbouring tribes, and being under the command of one chief, was forced by the exigencies of war to be firmly and compactly united. The attacks previously made on them by the Romans had for like reasons, the effect of creating among the barbarians certain strong and powerful kingdoms by the union of different tribes; but these never lasted long, since as soon as peace was restored they began anew to fall apart and dissolve. Scarcely had the barbarians begun to settle themselves in the West, than their incapacity to establish the unity of a State was made clearly manifest. The moment peace was declared the leaders of the various armed bands proceeded to divide the conquered territory. They then separated, and their king, or supreme chief, remained, as it were, isolated, and with very scant authority. Every leader tried to possess himself of some stronghold where he might rule as an abso-

lute lord, barely acknowledging his dependence on the king. In the fief thus created, ownership and sovereignty became confused, but were both considered to be held (*per beneficium*) as of favour from a more powerful lord, subject to certain burthens and obligations. Originally a temporary grant, the *benefice* or *fief* only became hereditary at a later time. At first it could be resumed by the donor; it reverted to him on the death of the feudatory, that it might be transmitted by a new grant to the feudatory's heirs; it then gradually, by use, abuse, or special act of concession, became an hereditary estate. Eventually all property, possession, or ownership came to be held, during the Middle Ages, on feudal tenure. The want of vigour in the supreme political power obliged the weak to seek protection elsewhere. Many independent landowners voluntarily accepted the position of vassals; while, on the other hand, the obstacles encountered by the great lords in enforcing their authority over wide territories compelled them to cede part of their lands in *benefice* to lesser vassals. In this way the State, the Church, all things assumed a feudal form. This system was completely established in the eleventh century, when the communes arose in Italy to combat and overthrow it.

In a fortified castle it was natural that the ties of the family should become continually stronger: a fortress must suffice for itself. It was, as it were, the independent world of the lord who dwelt in it, and divided his time between perilous adventures and domestic life. All historians have noted that feudalism produced increased respect, affection, and chivalrous regard for woman, and made man more resolute and energetic. Save in times of war, the baron was almost absolute and independent lord of his small realm, wherein all were his subjects. From him his vassals received the posts of seneschal, count of

the palace, equerry, and the like, which offices, being granted in a form more or less feudal to persons of noble birth, had a tendency to become hereditary. A numerous retinue somewhat relieved the loneliness of the castle. The sons of subordinate nobles frequented the court of their liege lord, to be trained to polite manners and the arts of chivalry, and finally to receive the sword from his hands and be proclaimed knights. All this gave prestige to the castle, and secured the fidelity of the vassals to their lord, while at the same time it flattered the pride of the inferior nobility.

The Longobard feudal law is found to have points of connection with the laws of Rome which, though very different in spirit, are often called to its aid. Often, however, they are found to be in opposition. There can be no doubt that the Roman law manifests in Italy its persistent action on the feudal law. The fief, as is well known, not being absolute independent property, but only a limited and conditional grant, cannot, from its nature, be subject to the hereditary principle. On the contrary, the right of the heir must be recognised anew in his person, since, as we have seen, he does not derive it from any right in his predecessor. And this continued to be the practice even after custom had begun to make the tenure hereditary. According to feudal law, the successor was not then considered to represent the person whose heir he was; the original grant was renewed in his behalf. Moreover, when a fief has once become hereditary, the whole family has a right to it, not derived from the will of the last holder at his death, but already existent during his life. It is therefore necessary to establish an order of succession to determine which member of the family shall be preferred, and this order of succession begins to be borrowed from the Roman code. Although differing from the true and correct order of succession, it is gradually

confounded with it, and finally alters and dissolves the fief. Thus the Roman law penetrates and modifies the feudal.

From the very nature of a fief, female descendants cannot inherit, and the male descendants of deceased sons succeed equally with surviving sons. Nevertheless there are certain fiefs which, having been originally bestowed upon females, must, in default of heirs male, naturally pass to females ; but as soon as the male line is established, male heirs have the preference. Ascendants cannot succeed, because succession is determined, not by relationship, but by the original grant ; accordingly the reversion falls, not to the ascendant, but to the original granter of the fief. Collaterals of the last holder, unless descendants of the first, are not entitled to succeed ; nor can brothers, as such, succeed, unless their father has held the fief. Nor can husband and wife succeed to each other. But under the growing influence of common law all these primitive characteristics likewise disappear. Feudal law has little importance in the Italian statutes ; but the political and social importance of feudalism in the history of our communes is immense. It represents a society distinguished by laws and usages of its own, and that appeals to the Emperor, whose judgments and judges it always prefers to the laws and magistrates of the Republic which it despises, and would fain ignore. The Republic in consequence looks on the nobility as a foe to be destroyed, but this it can only effect after sanguinary struggles in the course of which it will be itself profoundly changed.

Canon law undoubtedly plays a part in the history and formation of the communes that should not be overlooked, though by no means corresponding with the greatness of the political, social, and religious influence of the Church. Made up of fragments from the writings of the Fathers, ordinances of ecclesiastical councils, papal decretals, and

CHURCH OF SAN VITALE, RAVENNA.

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with a large admixture of Roman law, it appeals also to the authority of reason and of Holy Writ. It thus declared itself favourable to natural equity, as opposed to legal sophistry, tempered the harshness of barbaric laws, protected the weak, upheld the sanctity of the family, and aided the triumph of the Roman law over that of the Longobards. But it also sought to subordinate the civil power to the ecclesiastical; it added to the number of exceptional tribunals; it favoured inquisitorial jurisdiction, torture, and trial by ordeal. Moreover, its constant tendency to encroach on the field of civil law found an open door in the oath which every magistrate, the Podestà included, had to take, with the prescribed formula: "saving conscience" (*salva la coscienza*) expressed or understood. As it rested with the clergy to determine cases of conscience, so also it was for them to decide on the validity of oaths. This naturally fostered the diffusion of canon law. The exclusion of natural children from succession and the suppression of divorce are not a little due to the operation of this law. Its action is to be seen plainly enough in the statutes, but still more clearly in the struggle between the civil authority and the ecclesiastical, wherein the latter endeavours to maintain its inviolable privileges, its exceptional tribunals, its supremacy even in causes civil and political.

IX.

In the statutes, therefore, we find four different legislations, contending, as it were, with one another: the Longobard, the Roman, the Feudal, and the Canon law. These, however, may almost be reduced to two, seeing that feudal law is Germanic, and canon law, in so far as it affects the statutes, is mainly Roman. So that here again

we are met by the old hostility between Germans and Latins. The two races are opposed, as also their institutions, laws, and ideas; their minds seem to challenge one another wherever they meet, whether in the field of letters, politics, or art. Yet each has need of the other, and both must disappear to make way for a new social system and a more comprehensive spirit which, resulting from the fusion of two warring elements, will remain sole victor in this prolonged contest. In Italy, however, the Latin strain always predominates, as we see even in the statutes, wherein Roman law forms the keystone of the whole juridical structure.

The earliest compilation of the statutes dates from the very time when a knowledge of the *Corpus iuris* begins to be diffused throughout Italy from the University of Bologna. From that time forth the legislation of Justinian was regarded as an epitome of juridical philosophy, as the law *par excellence*, and is recognised by all our Republics as the common law, the law to be applied whenever the statutes are silent. For this reason that part of the statutes which relates to the civil law is very much less developed than the political part; and for this reason those teachers whose studies have been directed chiefly to civil jurisprudence occupy themselves much more with Roman, canon, feudal, and Longobard law than with the law of the statutes. These they examined, especially at first, rather as a result of the study of the Roman law, than as deserving careful attention on their own account; they regarded them as the written expression of popular custom to which no great scientific value could be attached, as something outside the one legal system which alone merited universal admiration.

A long period elapsed before writers on law began to apply their minds to the consideration of the statutes, the great importance of which has been only completely recognised

EMPEROR JUSTINIAN.

(From a Mosaic, Ravenna.) [*Pages* 44-45.

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in our day. Venice is perhaps the only Commune in which it was customary, in the absence of statutory provisions, to appeal to natural reason: whence Bartolo's remark that the Venetian magistrate gave judgment *manu regia et arbitrio suo.*[1] But even in Venice such decisions must always have been inspired or guided by a knowledge and admiration of the Roman law.

What has been said will put in a clear light the extraordinary importance accorded to the University and the professors of Bologna in connection with their labours in annotating and interpreting the *Corpus iuris* so as to make it intelligible to all, and an instrument for instructing and training all those who sought to follow the legal profession, whether as notaries, judges, Podestàs, or captains of the people. That these teachers possessed a very slender knowledge of history is seen from their writings. Their merit lay in the intelligent exposition of a system of law which had never become extinct. It was a precept of theirs that "as the unskilled rider must hold on by the pommel, so the judge should stick to the gloss." In this way the school of Bologna became, as it were, the depository of an universal law which was looked upon as almost sacred. Thither popes sent their decretals, emperors their edicts for registry or revision. The Emperor was, however, regarded as the living source of legislation, as alone entitled to add new laws to the

[1] The ancient statute of Giacomo Tiepolo, of which the MS. is extant in the Archives of the Frari, in Venice, and which has been frequently printed, concludes its first prologue with these words: "Et se alguna fiada occorresse cosse che per quelli statuti non fossero ordinade, perchè l'è de plui i facti che li statuti, s'el occorresse question stranie, et in quele alcuna cossa simele se trovasse, de simel cosse a simele è da proceder. Aver, secondo la consuetudine approvada, oltremente, se al tuto sia diverso, over si facta consuetudine non se trovase, despona i nostri iudexi come zusto et raxionevole a la so providentia apparèrà, habiendo Dio avanti i ochi de la soa mente, si fatamente che, al di del zudixio, de la streta examination davanti el tremante (*tremendo*) Iudexe render possa degna raxione."

Roman. Any one speaking evil of the Emperor met with condign punishment. Any one who questioned his universal authority was declared heretical by the jurists themselves. This authority belonged to him as lord of all nations, and was transmitted to him from the Roman Empire as its rightful heir. It was natural, therefore, that to determine the extent and limits of this authority, recourse should again be had to the professors of Bologna, the veritable depositaries of the Roman law, who accordingly acquired a constantly increasing importance. The *ratio scripta* was what was always called for; and the communes, even while avowing their determination to preserve their ancient liberties undiminished, never forgot to profess their willingness to leave the Emperor all the *veteres justitias* which belonged to him, and which they declared themselves desirous to respect. The only question was to ascertain what these were, and hence fresh occasion to consult the professors of Bologna.

Before the great contest between the Lombards and Frederic Barbarossa, a genuine judicial trial was held, ending with the condemnation of the Milanese, who were declared rebels, *adstipulantibus judicibus et primis de Italia.* At Roncaglia, Frederic exercised judicial and legislative authority, with the assistance of four professors from Bologna, who maintained the Emperor's rights, not from any hostility to their own country, but because, as professors of Roman law, they were the natural champions of the Holy Roman Empire. Nor did the communes themselves raise any objection to these claims. After Frederic's defeat they continued to draw up their statutes, laws, and public instruments in his name. Even as late as the fifteenth century we find that notaries still gave validity to public documents by making them run in the name of the Empire. At the peace of Constance the power to appoint magistrates, civil and criminal, consuls,

Podestà, and notaries, was expressly reserved to the Emperor, whose prerogative in such matters, as well as of deciding causes of serious importance on final appeal, was fully recognised. If, in fact, the Milanese paid little regard to the Emperor's authority, his right was not questioned. The Lombards acknowledged themselves his lawful subjects, though they afterwards chose to act as if free and independent.

When Henry VII. came to Italy, in Dante's time, he, too, brought the Italian cities to trial, pronounced sentence on them, exacted fines in men and money, and cited King Robert of Naples to appear before him. At that time many must have deemed these proceedings farcical; but they were echoes of a bygone age, of a past which even Alighieri's immortal genius thought to recall to life, as his letters and his book, "De Monarchia," serve to show. The Church, it is true, constantly withstood the Empire, but during the whole of the Middle Ages the Emperor's political and juridical authority was never called in question, was invariably recognised.

While the continual struggle between Church and Empire, communes and feudal lords, Guelphs and Ghibellines, was being waged, the statutes were framed. In these were recorded, not only new customs written down as they were formed, but also all the old customs that had been modified by the new. Although the jurists of Bologna thought it no concern of theirs to study a system of law, which being in common use was then well known, and which had its source in that Roman jurisprudence which engaged their attention through their whole lives, for us it is certainly a study of grave importance, as a means of accurately estimating the value and character of this communal life in the Middle Ages. We may have very long to wait before we can completely solve the problem. Nevertheless we may make a beginning by examining the

various statutes, comparing them with one another, and also comparing the different forms which each of them received at different stages of drafting, in order to discern the evolution of the new law, to ascertain and understand the principle which governs it.

X.

The whole life of the Commune is embraced in the statutes: the election and functions of political magistrates; public, civil, criminal, administrative, and commercial law. Public law is the subject most fully dealt with; while, for reasons already explained, civil law is left very incomplete. Nevertheless the statutes handle, with more or less detail, such matters as personal *status*, dowers, contracts, judicial procedure, succession, wills, rights arising in respect of contiguous lands or houses, and, above all, the family. They aim at a simple and summary procedure, free from chicanery, whereby causes may be settled fairly and promptly; but from defective drafting, from admitting a running commentary, altogether out of place in legal enactments, and from leaving too much to the discretion of the judge, they generally lead to a contrary result. It is indeed astonishing to observe how, during those centuries in which a splendid literature was growing up, when the most unpretentious writings offer us an example of good style, and when judges, notaries, and professors of law had the imperishable model of the *Corpus iuris* constantly before their eyes, the statutes should have been written in a form so illiterate that we may often pronounce it barbarous, and always involved and confused. The statutes constitute a legislation based upon custom, mutable, popular, still uncertain of itself, which, taking its birth in the midst of

civil wars, always retained their likeness, and never arrived at classical elegances, which in any case would have been made impossible by the scholastic jargon that still prevailed in our Universities and among our jurists. Petrarch's animadversions, directed chiefly against the obscure phraseology of the professors of law in his time, were fully justified. The classical revival which sought to introduce a purer and more elegant latinity had to make a beginning outside, and often in opposition to the Universities. It spread far and wide during the fifteenth century, but always retained a literary and philosophical rather than a juridical character.

Notwithstanding the greatness of its merits and aims, the Italian Commune has in it something of the transitory and mediæval; it constantly indicates a period of change. It is the germ from which, at a later time, modern society is to issue, but the birth cannot be accomplished until the germ itself is destroyed; consequently it always remained in a state of incessant transformation. Sprung from the conjunction of two different societies, the Roman and Germanic, it derived from the former the general idea of the State, from the latter individual liberty, local activity, and the force of special associations. The problem it had to solve, and that constitutes its essential life and history, lies precisely in its ceaseless efforts to harmonise those two elements which long remained not only separate but often opposed. Until complete fusion was effected by the destruction of the Commune itself, the contest continued to be waged, and was accompanied by inevitable disorder. In the Commune, government and public policy have an importance unknown to barbaric society, but the Commune still wears the character of a powerful assemblage of small associations rather than of a single society, or of a State in the true and strict sense of the word. Life indeed courses more swiftly through these numberless groups,

and is quickened by their activity. Social vigour is chiefly to be looked for in family cliques, and in the Companies of the Arts and Trades, of the Nobles and of the Burghers, all of whom have laws, statutes, magistrates, and tribunals of their own. Hence arises an extraordinary interlacing of ordinances, of conflicting passions, of diverging or clashing interests. True individual liberty, true equality before the law is not yet understood; but the individual is trained and protected by the association to which he belongs, which lends him a certain degree of strength, and secures him an increasing share of freedom. These subsidiary groups, however, unlike those which we have already met with in the Germanic societies, cannot be separated, but must live together in the State, outside of which there is no reason for their existence. The infinite multiplication of these groups, their jealousies and continual jarrings and collisions, made the Republic all the more indispensable to them, all the more the object of their hopes and love. Every one of these merchant-citizens was ready to give his life for this Republic, on which, both in peace and in war, his own welfare and that of the various associations depended. The heads and leading members of these associations were privileged to sit in the Councils of the State, governed it as masters, and found it their only sure defence against the countless rivals with whom each of them had to contend. Individual and general interests thus worked in concert, and the fragmentary power divided among so many hands, was nevertheless able to guard the liberty of all, at a time when no true conception of the State or of general equality had yet arisen. Still, it is easy to imagine how ill-arranged and inconclusive must have been the legislation of republics thus divided and subdivided, in which at every step some new special statute or tribunal was encountered. And this at a time when judicial and

political power were so strangely intermixed, that whoever had a share in the one necessarily shared in the other.

The dominant feature in all the civil enactments of the statutes seems to be a jealousy of neighbouring communes, and a fear lest, as a result of marriage, property should be withdrawn from the city, the society, or the family. To guard against this, both law and custom provided so efficaciously, that even in a Republic as democratic as that of Florence, wherein every vestige of aristocracy was destroyed, and the Ciompi obtained the upper hand, we find landed property so strictly tied up that there are families who, to this day, own the same estates which were held by their ancestors in the fourteenth century. The necessity for keeping families, associations, and party-circles intimately united, and making each member of them bound for the rest, is so strikingly apparent, that it is these political and social considerations which determine the tendency of the civil law, and often impede its natural development. So that even here, notwithstanding the weakness of the State, we again recognise the old Latin tradition, which always accords an excessive importance to political considerations, and consequently a preponderating influence to public over private law. The Italian statutes, therefore, can only be explained and understood in connection with the history of the communes, which they illustrate in their turn. And this is another reason why the professors of Bologna, accustomed to the philosophical character of Justinian's legislation, and unfamiliar with the methods of historical exposition, so long neglected the statutes.

Also, as might be expected, the predominating action of political considerations is most clearly shown in the constitution of the family. Here the rights which flow from the Commune's conception of the family prevail over the ties of blood which by the Germanic law are

much more respected. The regulations of the Roman law as to dower are fully accepted, but the dower itself is restricted to a small amount. Males have a marked precedence over females, and over descendants in the female line. But in all circumstances the woman is entitled to alimony. It is not meant that she should be rich, or should divide the domestic patrimony, and transfer it to another family, much less to another Commune; but in any event she must be assured of a suitable maintenance, according to her rank of life. She remains under the perpetual protection of the *mondualdo* (legal guardian), but the *mundium* assumes in the statutes the character of the later Roman *tutela*, with which it almost seems to be confounded. The woman may call upon the judge to assign her a *mondualdo*, and may choose him herself when she requires him for any special business. Everywhere, indeed, we see this tendency to transform Longobard institutions into Roman, so that often nothing is left of the former save the name.

Immovable property was so strictly settled that a very small part of it could be disposed of by the father at his death. No one, therefore, born of a family in easy circumstances was exposed to any anxiety as to his future. It is to be noted, however, that in our communes, all of which resembled great commercial houses, the proportion of immovable to movable property was extremely small; and that if, as regards the former, there was much security and stability, for the latter there were rapid gains, unforeseen fortunes, and sudden fluctuations of capital.

The father's authority was held in veneration, and the utmost confidence reposed in guardians of his choice; but we do not find in the statutes any great development of the *patria potestas*. On the contrary, as in other cities, the marked characteristic of the family is their doing everything in common. All affairs of moment are settled

by the family council, by an assembly of relations. Both law and custom continue to follow this course. In the family, the party-circle, or *clique*, and the association, the community of interests is sometimes carried to extraordinary lengths. Not only may a father or brother be summoned to pay the debts of a son or brother, but every creditor of a consociation can sue its individual members, and one associate may be made liable even for the crimes of another. Within the circle of the family or association, disputes were settled by arbiters, whose awards had the validity of legal sentences. The trade associations, as we have already stated, had regularly constituted, special tribunals of their own. These incidents and characteristics of statutory law certainly cannot be referred to the Roman legislation, but find their explanation in the very beginnings of Italian history to which Germanic races and institutions undoubtedly contributed in no small degree. The distinctive character of the Commune remains always the same. On the one hand particular associations attain great development; on the other the action of the political power is sometimes too feeble, but at times exercises a pressure such as would seem excessive even at this day. In a society in which the State is so feeble that its very existence seems continually threatened, it is certainly strange to find it interfering so directly and extensively in the private affairs of the citizens. The emancipation of sons is to be effected with due solemnity at a full meeting of the Council of the People, in the presence of the heads of the Republic. Should a notable citizen desire to change his abode and move to another quarter of the city, the matter must be brought before the same Councils of the People and the Commune, and decided by a special Act.[1] We find the

[1] Many examples to this effect will be found in the volumes of "Provvisioni" in the Florence Archives.

chief magistrates of the Florentine commonwealth continually altering the boundaries and extent of the Quartieri or Sestieri of the city, enlarging or contracting now one and now another in order to preserve the balance which is always being threatened by parties and sects, and prevent any one quarter from winning undue predominance. A change of abode from one district of the town to another might drag a citizen into a different sect or party, and so become of political importance. All this shows more and more clearly that society had not yet found its natural and permanent basis. The manifold new and varied elements entering into its composition were being developed on all sides; but the synthetic power which unites and assimilates could never be attained by the Italian Commune.

XI.

Coming now to a particular examination of the statutory provisions which most nearly concern the subject in hand, we shall direct our attention more especially to the Florentine statutes which, for us, have a twofold importance. We have undertaken this study as an aid to the clearer comprehension of certain political reforms in Florence, which are only to be explained by the social conditions of the Republic. In this study of the Florentine Commune it is necessary to bear in mind that in no other Commune was aristocracy so radically destroyed and democracy so thoroughly triumphant. Every trace of feudalism, every foreign element disappears from its statute book, which consequently, in spite of perennial alterations, preserves a uniform and consistent character, and tends always towards the scope that it finally attains. Other statute books, on the contrary, are no less copiously altered; but the alterations are due to

less permanent causes, to elements mostly extraneous to the life of the Commune, and which therefore make it still more difficult to understand what are the true principles moulding the laws and determining their historical character.

If we begin by examining the paternal authority as set forth in the statutes, we at once perceive the uncertainty that prevails in this legislation. At first we find the Longobard *mundium*, but this gradually takes the shape of the Roman *patria potestas*, as regulated by Justinian's legislation, which finally prevails, although never absolutely. In the various provisions of the statutes, which, even on this point, are always defective, we sometimes find the son placed under a stricter subjection than by Roman law, while at other times, the Longobard law predominating, he enjoys the greatest independence. Generally there are special political or commercial reasons at the root of this illogical inconsistency. By the Roman statutes the son is entitled to appear in criminal cases, without permission from his father, who is not held liable for crimes committed by his son. The son, however, may be punished by his parents at their discretion. The natural children of magnates are in an inferior position, both civilly and politically, to sons born in wedlock, inasmuch as they are never eligible to any public office.[1] According to the Pesaro statutes, a son may dispose by will of all his earnings, provided he leaves the obligatory usufruct to his father; but sons marrying without their father's consent may be disinherited.[2] When a son is condemned to pay a fine, the father must give him his share of the inheritance wherewith to pay it. Should a father beat his sons or grandsons or their wives,

[1] "Statuta Romæ," Romæ, 1519, ii. 110, 111, and iii. 17.
[2] "Statuta Pisauri, noviter impressa," 1531, ii. 79, 84, 106, 107.

in nihilo puniatur, nisi pro enormi delicto.[1] In Lucca, a son who is eighteen years of age, may contract a loan, even without his father's leave. But a father may send his son, whether emancipated or under tutelage, to prison if he has dissipated his private means or led an evil life. The magistrates must execute the father's decision without calling for proofs.[2] A son may thus be arbitrarily confined to the house, fettered and imprisoned by his father, who is only bound to supply him with the necessaries of life. The same rule obtains with regard to other descendants. If in all this great variety of laws we try to discover any one characteristic peculiar to the statutes, we must seek it in the *unitas personæ* between father and son, which is often carried to a great length. This, too, is a result of the general conception of the family recognised by the statutes. In Urbino and elsewhere the father may be punished for the son, the master for the servant.[3] As to the liabilities of commerce, these are shared, not only by father and son, but by the whole body of the relations, as we find was the case in Genoa, Florence, and many of the principal trading cities. In Florence, the father, grandfather, and great-grandfather incur the same liability for a descendant (even if under guardianship) who engages in trade, as though they stood surety for him. To escape this responsibility they must make a public and formal disclaimer of liability.[4] Thus, if an unemancipated son is agent or factor of a company or house of business, the father is responsible for him, unless he has given the

[1] "Statuta Pisauri, noviter impressa," 1531, ii. 79, 84, 106, 107.

[2] "Etiam nullis probationibus, *quia volumus quod* nuda patris assertio plenam probationem faciat." *Vide* "Statuta Civitatis Lucensis," 1539, ii. 66, 67, 68.

[3] "Statuta Civitatis Urbini, impressa, Pisauri," 1519, vi. 30. *Quod pater pro filis, dominus pro famulo teneatur in damnis datis.*

[4] "Statuta Florentiæ" (edition dated from Friburg), ii. 110.

parties legal notice to the contrary. For the same reason the emancipation of the son must be publicly performed and communicated to the Society of Merchants.[1] When a daughter marries, she ceases to be subject to the paternal authority, and can no longer be held in any way responsible for her father, either as regards civil obligations or criminal, should the father have evaded punishment by flight.

In Florence, the woman is under the perpetual protection of the *Mondualdo.* The term was still retained in the eighteenth century, but under the statutes the *mundio* soon becomes almost identical with the Roman tutelage; as time goes on it gradually falls into disuse, but the rights of women are never made equal with those of men. In respect of marriage the intermixture of different legal systems is most marked. Professor Gans has noted how the Pisans, finding that the Roman law forbade a woman to re-marry within a year from her husband's death, that the Canon law (interpreting the apostle's words as an unqualified permission) contained no such prohibition, and that the Longobard law forbade re-marriage only for thirty days, fixed by their statutes the prohibited period at six months. But this rough compromise neither met the object intended by the Roman law, namely, that a second marriage should not take place during the pregnancy which might possibly result from the first, nor conceded the liberty allowed by the Canon law and the Longobard. More commonly, however, the union of different laws is brought about by the gradual transformation of one into another. The Pisan statutes, for instance, regulate marriage almost entirely according to the Roman Code. To the dower (*dos*) brought by the wife, and the donation (*donatio propter nuptias*, called also *antefactum*) given by the husband, they join other

[1] "Statuta Florentiæ" (edition dated from Friburg), ii. 110.

gifts, to which they give the name "*corredo*," which, on the dissolution of the marriage, belong to the wife: should they then be found to have been consumed or made away with, she would be entitled to two-thirds of their value. As a rule Pisan husbands and wives hold their property entirely separate, so that marriage seems sometimes to involve a hostile relation, rather than a community of interests.[1]

Certain statutes admit the *dos* and *donatio propter nuptias* together with the *meta* and the Longobard donation. The Florentine statute speaks of a dowry, of a donation that must be equal to one half of the dowry—provided this does not exceed the sum of fifty *lire*—and of an augmentation. Failing sons, grandsons, or grandsons of sons, the wife, at her husband's death, recovered possession of her dowry, with the donation and augmentation; otherwise she had her dowry alone, and whatever her husband might leave her by will. If the husband died before receiving the dowry, the wife took the promised donation, limited however to one-eighth of her husband's estate, over which, to the extent of her dower, she had a preferential mortgage. Nor had the wife's consent to the sale or alienation of her husband's property the effect of releasing her right to the subjects so sold or alienated. This regulation, however, only comes into force from the year 1388.[2] This date, which is given in the printed Florentine statute of 1415, shows that the dotal system and the separation of property had by this time made great progress, a fact farther confirmed by the statutes.

The wife could not maintain her right to her husband's property (*defendere bona viri*) against her husband's creditors at large, but only against those who were liable

[1] *Vide* "Statuti Pisani," edited by Bonaini.
[2] "Statuta Florentiæ," ii. 61, 62, 63.

for the restitution of the dower. Dotal property, of which no valuation had been made, might be claimed by her as against any creditor, and if her husband fell into difficulties, she could always demand restitution of her dower.[1] Property acquired or inherited by the wife during the husband's life, belonged to her; but she could not alienate it without the consent of the husband, who was also entitled to the usufruct. On the decease of the husband, whatever remained of the usufruct might be claimed by the wife, or, if she too were dead, by the children.

XII.

The dotal system and separation of conjugal property are not only recognised in all the statutes,[2] but are often enacted in an exaggerated form, as seems to be the case in the statutes of Pisa. Thus gifts between husband and wife are forbidden, sometimes even gifts from them to strangers, where there is ground to suspect that these are meant to disguise a gift between the spouses. Zealous precautions to hinder property being withdrawn from the family, still more from the city, are universal. In Urbino, for instance, no alien could inherit *ab intestato*, without first pledging his word to reside within the city or territory.[3] At Pesaro a similar pledge was exacted from any alien who sought a bride in that city; he had also to obtain the consent of the Podestà.

In Verona,[4] women might, under a will, share equally with their brothers; but *ab intestato*, they had only their

[1] "Statuta Florentiæ," ii. 64.

[2] Ibid. ii. 65. *Vide* also the statutes of 1324 (ii. 36 and 74) and of 1355 (ii. 39) in the State Archives.

[3] "Nisi promiserit de continuo habitando in dicta civitate, vel comitatu Urbini" ("Statuta Urbini," Pisauri, 1519, ii. 54).

[4] "Liber juris civilis urbis Veronæ," chap. xliv. Verona, 1728.

dower. In Pisa, testate succession was regulated in accordance with the Roman law : *de ultimis voluntatibus per legem romanum iudicetur*. The lawful share, however, was fixed on almost the same scale as by Longobard law ; and, as provided by that law, one child might be favoured more than the rest. As regards intestate succession, male heirs had, as always, marked preference. Failing descendants in the male line, females inherited, but even in the succession to maternal estate, male descendants had priority when there were no surviving daughters.[1] This rule prevails in all statute books, not excluding the "Consuetudini" of Naples, of Amalfi, and of Sorrento, although in these cities the influence of the Longobard law was much less felt.[2] The real object of these regulations is clearly expressed in the statutes themselves. In the statutes of Mantua it is thus set forth: "Ut familiarum dignitas, nomen et ordo serventur, et bona morientium in eorum agnatos et posteros transmittantur, per quos nomina generis conservantur, statuimus et ordinamus," &c.[3]

It would seem that in Ravenna the prolonged continuance of the Byzantine rule had the effect of suppressing this preference of the agnates, and that there

[1] See Gans, *op. cit.* This author made a very careful examination of the Pisan law in the statutes (then unpublished) contained in a MS. Codex at Berlin.

[2] *Vide* the "Consuetudini della città d'Amalfi," edited and annotated by Scipione Volpicella, p. 22; and the "Consuetudini della città di Napoli," under the heading, "De successionibus ab intestato." The same provisions are found also in the "Consuetudini Sorrentine." See also Dr. Otto Hartwig's work, "Codex iuris municipalis Siciliæ." Heft 1, "Das Stadtrecht von Messina." Cassel und Göttingen, 1867.

[3] "Statuta Comunis Mantuæ," Rubric li., "De successionibus ab intestato." *Cod.* MS. F. T., 1, fourteenth century, Mantua Archives. Similar terms are used in the Veronese statutes ("Statuta Veronæ." Veronæ, 1588, bk. ii. chap. 82). "*Ut bona parentum in filios masculos et cæteros per lineam masculinam descendentes conserventur*, pro conservandis domibus et oneribus Communis Veronæ sustinendis, *statuimus*," &c.

the Novel of Justinian was in force. The same was the case at Osimo. Adoption was of rare occurrence; legitimated children were postponed to legitimate; natural children who, under the influence of the Longobard law, had been favoured in earlier statutes, were afterwards neglected, in consequence of the growing ascendancy of Canon and Roman law. The whole statutory law of succession is so dominated by the political conception which, so far from losing, is constantly gaining ground, that the disposing power of the testator—always extremely restricted—can only arrive at a result slightly more equitable and natural, but never attains to absolute freedom of decision in the Roman sense of the word. In this, as in every branch of civil law, the Florentine Statute Book, like all the others, does not present us with a complete treatise, but only with fragments, the statutes making constant reference to the Roman law.

No woman succeeds *ab intestato* to her sons or daughters, when there are direct descendants or ascendants even in the third degree; and uncle, brother, sister, son, or grandson of a brother are preferred to her. Though excluded from succession, she can nevertheless claim alimony from those who by law exclude her. If there be no such relatives, she inherits *ab intestato* one fourth of her son's estate, provided it does not amount to more than five hundred *lire*. In any case, she only receives money, not real property. If there is no money, she will be entitled to the price of the lands forming her inheritance. The same provisions apply when a grandmother, great-grandmother, or descendants in the maternal line succeed *ab intestato*.

A woman could not succeed *ab intestato* to a brother leaving children, grandchildren, or brothers; but when thus excluded from the succession, she was still entitled to alimony. She could not succeed even to her father; but

was entitled to receive her dowry from the agnates, and could meanwhile, even if a widow, claim alimony from them.[1]

It is plain from all these provisions that the woman's rights of succession were very limited; but she was always insured of the wherewithal to live. We find, indeed, from the Florentine statutes, that while the preference given to the agnates increases as time goes on, so too the woman's rights to alimony increase. The statute of 1355 concedes to her the usufruct of the paternal inheritance, on failure of male issue, while under the same circumstances, later statutes deny her this right, allowing her alimony instead.[2] Speaking of aliment, and of those bound to supply it, the statute of 1324 says: "Si filius, nepos vel pronepos facultatis abundarent," [3] so that they can *commode subvenire*, &c.; and the statute of 1355 imposes the same obligation, with the same conditions.[4] But the printed statute of 1415 is far more explicit; the father, mother, grandfather, grandmother, great-grandfather, and great-grandmother are all entitled to alimony, and the Podestà is bound to enforce the law. The female inherits *ab intestato* from her mother or other female ascendants, but only on failure of male issue. Uterine brothers, being of the female line, cannot succeed one another should there be relations of the deceased in the male line as far as the fourth degree,[5] these being preferred to the mother and relations in the female line.

[1] "Statuta Florentiæ," ii. 130.

[2] Statutes 4 (of 1324), ii. 70, and 9 (of 1355), ii. 73, in the State Archives, declare in fact that when there are no surviving sons, but only brothers or their sons, the woman is entitled to have the usufruct of her father's, grandfather's, or great-grandfather's estate: "Tunc ipsa mulier habeat usufructum omnium bonorum talis patris, avi, vel proavi defuncti." This is the usufruct for which alimony is afterwards substituted.

[3] State Archives, "Statuti," 4, bk. ii. 50, and 9, bk. ii. 51.

[4] "Statuta Florentiæ," ii. 32.

[5] Ibid. ii. 130.

The Florentine statute goes on to declare that the wife is to be preferred to the public treasury, *uxor mariti defuncti præferatur fisco;* showing how little the woman's rights were considered, when an express enactment was needed to prevent the revenue authorities from depriving her of her husband's estate. Natural children were also preferred to the treasury, which only succeeded on failure of relations as far as the fourth degree. Relations, however, could succeed to bastards, as though these had been legitimate.[1] It should be added that Florentine custom did not allow natural children to be left without some means of support, or without provision for their education, as is shown by many still existing wills. In the case of males, the father generally tried to obtain employment for them; in the case of females, to find them husbands, and he recommended them to the care of his legitimate heirs.

The husband succeeded to his wife's dowry, failing children or other near descendants. Of her extra-dotal property he was entitled to one-third, and the wife could not dispose of her dowry either by will or donation, so as to exclude her husband or children.[2]

XIII.

Besides the law of succession, there is another branch of the Italian statutes in which the action of the political idea upon civil law is equally apparent, namely, that which treats of rights between neighbours, and of the obligations *in solidum* attaching not only to the members of families, but likewise to the members of sects and associations. We have already observed that these are carried so far as to make one member responsible for another's

[1] "Statuta Florentiæ," ii. 126. [2] Ibid. ii. 129.

debts, and even for his delicts: this is a law to which we shall have more than once to return and give our attention. When real property is sold, we find that the agnates and cognates have always a preferential right of purchase. In the March of Ancona, the blood-relations of a prisoner condemned to death may be compelled to purchase his estate.[1] At Bologna, relations are often made legally responsible for one another, and, by the rules of the corporations of merchants in that city, the brothers of any bankrupt, who have lived in community with him within a month before his failure, are held responsible for his debts—even if they have separated from him since that time.[2]

According to the Florentine statute, the creditor of any Commune or of any *Universitas* (corporation) might proceed against it, *sicut procedi potest contra alias singulares personas debitrices, in persona.* This was carried so far, that it was permissible to proceed against every individual member of the association, and even to have him arrested, *liceat ipsi creditori capi et detinere omnes et singulares personas dicti Communis vel Universitatis, quousque fuerit integre satisfactum.*[3] If landed property had been laid waste or houses burnt, the proprietor was entitled to compensation from the author of the deed; from his associates (*consorti*), were he a noble, or from his relations, even to the fourth degree, if a commoner. Nay more, the injured person might also proceed against the Commune, University, or district (*plebatum*) in which the crime had been committed; he was at liberty to follow any of these methods of redress, and if unsuccessful in one to try another.[4] The statute

[1] "Constitutiones Marchiæ Anconitanæ." Forolivii, 1507.
[2] "Statuti della honoranda Universitate deli Mercanti de la Citade di Bologna," 1530, file 98 and following.
[3] "Statuta Florentiæ," ii. 51. [4] Ibid. ii. 76.

prescribed the form of procedure and the terms of the sentence.[1] The Commune, University, or district was thus compelled to be always ready to raise the alarm, when similar acts were perpetrated, and to pursue and arrest the criminal, since, in case of failure, they were held responsible.[2]

In all matters, even such as purchases or sales, great importance was assigned to the condition of the persons concerned. In some cases, where land was to be sold, the law required that it should be sold to a neighbour; commoners, however, were not compelled to sell to magnates.[3] Similarly no one might buy, sell, or acquire the usufruct of lands held in common, or any piece of land or house touching another man's wall, without according the joint-owner, associate, or neighbour the right of pre-emption.[4]

In case of a dispute between relations or associates, *qui consortes sint de eadem stirpe, per lineam masculinam usque ad infinitum*,[5] the judge was bound, at the request of one of the parties concerned, to leave the matter to the decision of arbiters chosen by the parties themselves; but no plebeian could act as arbiter between nobles.[6] In reviving a law of much earlier date, the statute of 1355 informs us that arbiters were therein mentioned, as blood-relations.[7] Whence it may be inferred that similar compromises began to be customary, at a very remote period, between relations and associates who voluntarily selected

[1] "Statuta Florentiæ," ii. 75.
[2] Ibid. ii. 77.
[3] Ibid. ii. 108.
[4] Ibid. ii. 109.
[5] The frequent repetition of this phrase is worthy of note, since it enables us to understand the manner in which associations were usually constituted.
[6] "Statuta Florentiæ," ii. 66.
[7] State Archives, "Statuti" 9, ii. 30. The same provision is found in the statutes of 1324 (ii. 87), and was already comprised in those of Pistoia dated 1296 (ii. 6), having been copied from another Florentine statute of earlier date.

arbiters from their own group. Down to the year 1324, the custom had been sanctioned by law; at a later time it lost its primitive character of a voluntary and domestic agreement, and assumed the shape of a regular legal trial.

XIV.

If we now compare the Florentine Statute Book with those of other Italian cities, we shall find it marked by various distinguishing characteristics, chiefly resulting from the fact that in it democratic freedom was carried to the farthest point obtainable during the Middle Ages. Not only had every feudal privilege gradually disappeared from it, but the great nobles had ended by finding themselves in a position inferior to that of the commonalty. Florence, as we have already seen, was one of the first Italian cities to abolish serfdom in her outlying territory by the law of 1289.[1] And although her rural population was always treated much worse than the inhabitants of the city, it nevertheless enjoyed far better conditions than prevailed in a great number of communes. We have proof of this in the contract of *Mezzeria*, which makes the cultivator of the soil an actual partner with the proprietor, and which still remains a great monument of civilisation and the cynosure of modern economists who have never been able to devise any better system.[2]

[1] The *Mezzeria* system obtains not only throughout Tuscany and Lucca, but over a considerable part of Romagna. But the terms and contracts most favourable to the peasantry are to be found near Florence and in the Pistoian district. Contracts implying a system of *Mezzeria* more or less rudimentary, and dating from about the close of the twelfth century, are still extant.

[2] Two of 1250 and 1251, in the Florentine territory, have been edited by Ruhmor (*vide* also Capei in the "Atti dei Georgofili," vol. xiv. p.

The freedom and strength of associations, the extraordinary ease with which any one might participate in the government of the Commune, all contributed to the triumph of democracy on the widest basis. Another general characteristic to be noted, not only in the Florentine, but in almost all the Italian statutes, is the constant endeavour to shake off the intervention of the ecclesiastical authority, which labours with incredible obstinacy to maintain its privileges undiminished, and even seeks to increase them; but which, nevertheless, finds them gradually reduced almost to zero. The statute of 1415 ordains that "no person, university, or church, no religious or clerical house shall presume to question the jurisdiction of the Commune under pretence of 'benefice' or privilege, and that any one who opposes this enactment shall be imprisoned until he renounce such privilege.[1] No excommunication nor interdict shall hinder or diminish the action of the magistrates or the effect of their decrees.[2] Every man may freely exercise his rights over all Church property derived from secular sources." [3]

228); other hardly less ancient examples have been found at Cortona by the Notary L. Ticciati, and published by him in the "Archivio Storico Italiano," Series v., vol. x., No. 4, 1892. Nevertheless, contracts on the true *Mezzeria* system cannot have been in general use earlier than the commencement of the fourteenth century. A common contract drawn up in 1331 on Siennese territory was communicated by Prof. C. Paoli to Baron S. Sonnino, and published by the latter in 1875 at Florence, in his work "Sulla Mezzeria in Toscana." In a review, entitled "L'Agricoltura Italiana," nineteenth year (1893), Nos. 274–5, Marquis L. Ridolfi justly remarks that the difficulty in finding old *Mezzeria* contracts in the Florentine territory proceeds from the custom prevailing there of seldom referring to a public notary for the purpose. As a rule, the parties concerned merely exchange written copies of the agreement.

[1] "Statuta Florentiæ," ii. 18. [2] Ibid. ii. 21.

[3] Ibid. ii. 23. *Vide*, on this subject, Salvetti, "Antiquitates Florentinæ."

XV.

Turning now to a general view of the Italian statutes, we must remark that although the history of statutory law presents many difficulties, owing to the infinite number of different provisions to be found in it, the diversity of these provisions is chiefly due to accidental and temporary causes, extraneous to the natural and spontaneous development of the law itself, which, examined apart and with reference to its essential characteristics, presents a striking uniformity. It may, however, be noted that in the republics of Northern Italy the Longobard law is far more predominant ; while in those of Central and Southern Italy Roman law obtains an early and rapid ascendancy, and, subject to the changes which have been indicated, ends by dominating at all points. This progress becomes more apparent from year to year, so that even in examining the statutes, the very same conflict of antagonistic elements which we have already noted, throughout the entire history of the communes and of Italian civilisation, is brought before our eyes in civil wars, in sanguinary struggles between Guelphs and Ghibellines, in art, in literature, in all things. It is true that the statutes only treat of juridical ideas and enactments ; but these seem to strive with the same ardour, and to aim at the same ends, as the men whom they control.

Towards the close of the fourteenth century Italian commerce began to make enormous advance, and this gave a new impetus to Italian legislation. In fact, we find a series of enactments enabling all mercantile affairs to be transacted with much greater celerity, avoiding legal quibbles, releasing merchants' credits from mortgage or sequestration, and severely punishing all frauds and fraudulent bankruptcies. In a word, we clearly discern

the inchoation of the modern commercial code with which these enactments are frequently in unison.

But in all these laws we always recognise the consequences of commerce being divided and split into a multitude of separate associations with statutes of their own, judges of their own, and an exuberance of vitality. At the same time, we recognise that the central authority, though aware that its natural rights are threatened and usurped on all sides, continues to exert its influence, without method, indeed, or uniformity, but not without vigour, and occasionally even with violence. At one moment it seems to be vanquished ; at another it comes forth victorious. The entire history of the Commune demonstrates a constant tendency to harmonise all these distinct and often jarring elements—political, social, and legislative—but this problem it never succeeds in solving, and ends by relapsing into despotism. A true conception of social unity was wanting ; the idea of a due distribution of authority was still unknown, either in real life or in theory ; accordingly whoever happened to have a share in the executive authority, also assumed, as necessarily connected with it, a share not only in judicial, but likewise in administrative and legislative functions. Wherefore it seemed that the only way to preserve liberty was to parcel out the government among an infinity of hands, and so to contrive that parties, associations, *cliques* (*consorterie*), families, and quarters of the town should each and severally serve as checks upon all the others. In this process of division and subdivision all the elements afterwards constituting modern society were prepared, but the State, in its true sense, was never discovered. Without ballast to steady her, the ship of the Commune, driven hither and thither in a ceaseless storm and buffeted by winds from all quarters, could neither find anchorage nor keep a settled course. No clear and certain conception

was ever reached of that law which, by limiting and defining the amount of liberty guaranteed to each individual, secures freedom to all.

The political life of communes, moreover, was always confined within the walls of the dominant cities, since not only the outlying territory was excluded from it, but likewise all towns that had been annexed or conquered. Every form of representative government was as yet unknown. All who enjoyed political rights entered, each in his turn, the Councils of the Republic, and sooner or later nearly all rose to power. This made it necessary that the States should have very circumscribed borders, as otherwise it would have been impossible to govern them at all. The French Revolution, by achieving for the first time, in behalf of the nation at large, what the Italian communes had effected for the cities, was able to proclaim the civil and political equality of all who formed part of the nation, and who were in consequence to be recognised as citizens. From that time democracy became the predominant characteristic of modern societies which, by means of representative institutions, have found it possible to secure freedom, even in large states, reconciling the unity and vigorous action of the central government with personal independence and with local liberty and activity. But the Commune always wavered between the opposing elements of which it was made up and which it never succeeded in fusing into a true political organism.

The history of our republics may, in fact, be summed up in an account of the varying predominance of one or other of the great associations of which they were composed. In Florence, we have, first of all, the conflict of nobles and commons which is maintained with changing fortunes. When the fraternities (*consorterie*) of the leading magnates obtained such ascendancy as to menace popular liberties and destroy the social balance, notable

reforms were made in the statutes; the Commune was completely transformed, and by means of the Ordinances of Justice (of which we shall soon have to speak), the nobles were overthrown and their associations broken up. But as these associations were an integral part of the State, their downfall was followed by a phase of rapid corruption and decay. To the passions and interests of caste succeeded personal ambitions, hatreds and passions of a still more dangerous character. Families began to be at strife; men who were at once powerful and ambitious, came to the front; and Corso Donati, or some other like him, would have soon become master and tyrant of the Republic, save for the fact that a mighty people, enriched by the speedy gains of an extended commerce, devoted to freedom and opposed to the nobility, had first to be disarmed. Thus to the supremacy of the leagues of the magnates succeeded the predominance of the Greater Guilds, between whom and the Lesser Guilds a struggle was entered upon in the course of which the latter obtained, in their turn, a share of power. At a later period, the populace, represented by the plebeian Ciompi, comes to the front, and threatens the utter dissolution of the old social form of the Republic. Then new personal ambitions, more fatal to freedom because more fortunate, occupy the scene. The struggle between the Albizzi, Pitti, and Medici terminates in the triumph of the last-named family in the person of Cosimo the Elder, who slew the Republic. Yet nothing of all this should cause us much surprise. For if we bear in mind the beginnings of the Commune and the elements out of which it was constituted, we may readily see that all that happened was, in the main, unavoidably bound to occur.

CHAPTER VIII.

THE ENACTMENTS OF JUSTICE.[1]

I.

THERE are many reasons why the history of Florence in the closing years of the thirteenth century should demand our fullest attention. It was the period of the very important political revolution resulting in the establishment of those Enactments of Justice of which the authorship is attributed to Giano della Bella, and which Bonaini has entitled the Magna Charta of the Florentine Republic. Even should this comparison seem strained, it is certain that those enactments, sometimes strengthened, sometimes modified, and occasionally suspended, remained in vigour nevertheless for more than a century — a fact of no small weight in so mutable a commonwealth as that of Florence. Sooner or later many neighbouring cities imitated these enactments, and in 1338 the Romans sent to request a copy of them, in order to re-organise their city by the same means. On this subject Villani wrote as follows: "It is known how times and conditions change, for the Romans, who of old built the city of Florence and gave it their own laws,

[1] "Nuova Antologia," Florence, July, 1869.

now, in our days, have sent to ask laws from the Florentines." [1] It is likewise during this period that we behold arts and letters suddenly blossoming to the greatest splendour in the bosom of the Republic. Language, poetry, painting, architecture, sculpture had already put forth their first shoots in various Italian cities; but all are now permanently rooted in Florence, and initiating a new era in the history of the national intellect, suddenly flash forth into a glory of light, irradiating all Europe as well as Italy. Hence it behoves us to investigate most minutely the nature of the favourable conditions, both political and social, which rendered Florence the centre of such marvellous activity and the focus of all those far-spreading beams.

The remark might certainly occur, that although this period has such undoubted claims upon our attention, its history is already very familiar to us; it has been recounted by contemporary writers such as Compagni and Villani, who were not only eye-witnesses, but often active participants in the events they described; it has been corroborated by many original documents, and recently expounded afresh by some most illustrious modern writers. Nevertheless, the attentive student is compelled to recognise that those times are less well known than might be supposed; for even in perusing the works of the newest historians we are perplexed by numerous difficulties and doubts. In point of fact, what is it we learn from Machiavelli, Ammirato, Sismondi, and Napier, and even from Vannucci, Giudici, and Trollope, who wrote subsequently to the publication of many newly discovered original documents? That, after the battle of Campaldino the arrogance of the nobles in Florence exceeded all bounds; that they insulted, oppressed, and trampled on the people; that there arose a daring and generous man

[1] G. Villani, "Cronica," xi. 96.

named Giano della Bella, a noble devoted to the popular party, who when holding the office of Prior proposed a new law as a permanent remedy for these evils; that this law was passed and sanctioned under the name of Enactments of Justice, and that it excluded the nobles—or, rather, the magnates—from every political post; that it only permitted those really engaged in some trade or craft to share in the government of the Republic; that it punished every grave offence against the people, on the part of the nobles, with exceptionally severe sentences and penalties, such as chopping off hands, death at the block, and, more frequently, by confiscation of property; that slighter offences were only punished by fines; that the magistrates were empowered to chastise any man of the people (*popolano*) showing hostility to the Republic or breaking its laws, by proclaiming him a noble, and that this sentence immediately excluded him from the government and placed him under the same restrictions to which aristocrats were subject. Furthermore, that if any magnate convicted of offence should escape justice, one of his relations or associates would have to expiate the crime in his stead.[1]

"A fact without parallel in the world's history!" Giudici exclaims. For truly, although a fundamental law of the Republic, this decree seems rather a freak of revenge solely inspired by the blindest party spirit.

[1] P. E. Giudici, "Storia dei Comuni Italiani," bk. vi., paragraphs 53 and 54. Florence, Le Monnier, 1866. Vannucci, "I primi tempi della libertà fiorentina," chap. iv. p. 168 and fol. Florence, Le Monnier, 1861. Napier's "Florentine History," vol. i. chap. xiii. p. 342. London, 1846. T. A. Trollope, "A History of the Commonwealth of Florence," bk. ii. chap. iii. p. 212. London, 1865. It should be noted that although Mr. Trollope failed to overcome every difficulty, he was enabled to avoid various blunders on this head by merely translating certain parts of the enactments without explaining the more obscure items. Mons. Perrens, in a recent work, written after the first publication of this chapter, has generally accepted its conclusions and corroborated them by fresh researches of his own.

Accordingly almost every word of the decree excites our suspicion. How can it be explained that Dante was one of the Priors in office at the time, together with others who undoubtedly were not artisans or only so in name, if it were true that the enactments excluded all who were not *practically exercising* some trade? And apart from a thousand lesser doubts, the fact that innocent men were then condemned to death merely because they were relations or fellow-associates of criminals who had escaped justice, is a point that we cannot possibly understand. In a period of the densest barbarism, it would be barely comprehensible; in Dante's age, it is a mystery and a contradiction, confusing all our ideas concerning those times. Therefore renewed investigation of the subject cannot be altogether futile. It is requisite to penetrate the true nature of the revolution that had then been accomplished, and of the law that resulted from it, and to bring both into harmony with the times and with the history of Florence.

II.

Towards the end of the thirteenth century the Republic had acquired very high importance throughout Italy as well as Tuscany. The fall of the Hohenstauffens, the coming of the Angevins, the vacancy of the Imperial throne had given an enormous ascendancy to the Guelph party which in Florence was that of the democracy. Its three great Ghibelline rivals, Pisa, Sienna, and Arezzo, had been humiliated and conquered by the subtle diplomacy of Florence and Florentine arms; and these victories had not only re-established the Republic's political authority in Tuscany, but opened and secured to it all the chief highways of commerce. Through Pisa it had access to the

sea; through Sienna and Arezzo, to Rome, Umbria, and Southern Italy; it could pass to the north through distant Bologna, peopled with friendly Guelphs. Accordingly the commerce of Florence was then rapidly increased, and this republic of merchants, surrounded by other republics equally devoted to trade and industry, stood at the head of all Tuscany. On the other hand, however, the augmented power of the Angevins was beginning to excite the jealousy of the Popes who had first called them to Italy, and who now turned their eyes towards Germany in order to revive the Imperial pretensions, and thus check the growing ambition of the French king. For Charles of Anjou, whom they had named Senator of Rome and Vicar-Imperial of Tuscany, now seemed determined to follow the daring policy of the Swabian line by aspiring to supremacy over Italy.

During this state of things, the Florentines managed to keep their balance with marvellous *finesse*, and by leaning this way, or that, frequently turned the scales on the side they preferred. They utilised the king's soldiery to crush Ghibelline cities and Ghibelline nobles; they leaned on the Pope, to check Charles's arrogance; and they showed readiness to favour the Empire, when the Pope tried to assert temporal supremacy, as though, in the present *interregnum*, he were the natural inheritor of the imperial rights. By this means, the Republic not only preserved its independence, but became a State commanding the fear and respect of all Italy.[1] This was all the result of the shrewdness, energy, and intelligence of its burghers, who governed with so much thriftiness and wisdom as to achieve an unparalleled prosperity. "It is a known thing," says Villani, "that down to this time and for long past, such was the tranquillity of Florence,

[1] *Vide* vol. i. chaps. v. and vi. of the present work.

that the City gates stood unlocked by night,[1] no duties were exacted in Florence; [2] and rather than impose burdens, when money was needed, old walls and bits of land within and without the City were sold to the owners of conterminous portions of the soil." [3] With few taxes and no debts, the administration was excellently conducted; it left the citizens unhampered, and increased the general well-being.

III.

Nevertheless, beneath this tranquil surface the seeds of deep-rooted discord lurked in the bosom of the State, and occasionally broke forth in sanguinary conflicts, of which the discontent of the nobles was the principal cause. It would be a serious mistake to believe that they were first excluded from the government in virtue of the Enactments of Justice. The measure had been prepared long before, and although not then rigorously carried out, may be said to have been already sanctioned in 1282, by the decree placing the Priors of the Guilds at the head of the Republic. But it should not be thought on this account, that the nobles had lost all actual power in the city at the time. First of all, the new system of warfare, in which municipal armies, composed of artisans, unprovided with cavalry or men-at-arms, proved very incompetent, had made the assistance of the nobles indispensable, and

[1] It is impossible to believe that there were no duties of any kind. Villani himself (bk. xi. chap. xcii.) enumerates a great many imposed between 1336 and 1338, and certain of these were unquestionably of earlier origin. Perhaps he meant to express that the duties were few and slight.

[2] "Per non mettere gravezza." Whenever taxes were imposed on the property of citizens, an estimate was made of it, as the tax in question was paid in *lire* or *libbre*, the term *far libbra*, *allibbrare*, was often used to signify making valuations of property as well as the imposition of taxes.

[3] G. Villani, viii. 2.

also began to render it necessary to employ foreigners: soldiers of adventure from Germany, France, and Spain, who earned their living by war alone. At Montaperti (1260) the terrible defeat of the Republic's Guelph host had been achieved by Manfred's Germans, and the Ghibelline nobles banished from Florence. At Campaldino (1289) it was Corso Donati, Vieri de' Cerchi, and other Florentine nobles or potentates who had decided the fate of the day. The nobles knew this and constantly boasted of it, in their contempt for the artisans and people. Being trained to arms, and undisturbed by commercial cares, they sorely chafed against being excluded from the government by rougher folk far less fitted for war than themselves. Accordingly, political animosities became more and more heated; the nobles could neither be still nor leave others in peace.

It should also be remarked that the nobles of the period were no longer the feudal lords of former times, who, isolated in their well-guarded strongholds, like so many sovereigns, depended solely from the Empire and were foes to the Republic. Having been ousted from the territory, and obliged for some time back to reside in the city, they now clung to the latter, but desired to hold rule over it. Being surrounded on all sides by a powerful population banded in trade guilds and masters of the Government; being forcibly made subject to Republican laws refusing all recognition of feudal rights, the nobles had been obliged, in self-defence, to form Associations or Societies of the Towers, which being ruled by custom rather than law, were all the more firmly knit together. Originally, the nobles had been chiefly united by family ties which were still more closely respected on the disintegration of the feudal order, when, in order to maintain their strength, kinsmen banded together in separate castes or associations and gave admittance to a widening circle of members.

They clustered together in neighbouring palaces, often lining one or more of the city streets; they lived in the midst of their adherents, squires, domestics, and grooms, and in moments of danger even summoned to their aid the peasantry of their rural estates. Their possessions were always handed down to their families or the Society to which they belonged, and their disputes were settled by chosen arbiters.[1] Besides all this, their deeds of vengeance were decided upon in common, and the individuals charged to execute them were always placed in safety by their comrades, the whole association assuming the responsibility of every deed of this kind. Often, between one house and another, or in one of their palace yards, there was an archway under which they administered torture to any one they chose. In fact, speaking of the Bostichi family, Compagni tells us that: "They committed many evil deeds, and continued to do them for long. In their own palaces, situated in the New Market, in the centre of the city, they would string men up, and put them to the torture at mid-day. And it was a common saying in the land that there were too many tribunals; and in counting the places where torture was applied, people said: 'In the Bostichi house, by the Market.'"[2] All this continued to be done, notwithstanding the very severe laws already promulgated against the nobles. A man of the people could be flogged, stabbed, or tortured, without the author of the misdeed being brought within the grasp of the law. Out in the country these same nobles used all sorts of devices to perpetuate serfdom, although for many years it had been legally abolished, and by threats or open violence induced their peasants,

[1] *Vide* the preceding chapter.

[2] Dino Compagni, bk. ii. p. 201, the Del Lungo edition. I quote from this edition, as being far more correct than the others, although it was only published in 1879, ten years after the first appearance of this chapter in the form of a separate essay.

by means of fictitious contracts, to acknowledge obligations from which they were lawfully exempt.[1]

Thus citizens, already powerful in virtue of their social position, contrived to retain much strength and great political influence in the Republic, notwithstanding the laws designed to keep them in check. Being excluded from the Signory they could neither enter the Council of One Hundred nor the Councils of the Captain, in which the more important questions were discussed. But they were admitted to those of the Podestà, and this official, being of necessity a knight, often gave judgment in favour of the nobles. Also, they were continually employed as ambassadors, and given the first posts in war; but they enjoyed most predominance in the institution entitled the Guelph Society (*Parte Guelfa*), and were specially appointed to all its chief offices. This Society, founded, as we have previously shown, in 1267, after the expulsion of Count Guido Novello, was charged with the administration of all confiscated Ghibelline property which had been formed into a *monte* or *mobile*, or, as would now be said, capitalised. This property was to be employed for the subjection of the Ghibellines and the support of the Guelphs, of whom Florence was the Tuscan headquarters. It was on this account that Cardinal Ottavio degli Ubaldini had exclaimed: "Now that the Guelphs have formed a fund in Florence, the Ghibellines will never return there;" and his prophecy was fulfilled.[2] In fact, the Ghibelline party was gradually

[1] *Vide* in Padre Ildefonso's "Delizie degli Eruditi Toscani," the document appended to vol. viii. It consists of a petition presented by certain inhabitants of Castelnuovo after having been attacked by the Pazzi and others, *armata manu, cum militibus et peditibus*, who had burnt their houses, killed several persons, and compelled others to sign a contract, under false pretence of a lawsuit, that had never occurred, *et scribi faciendo litem contra eos esse super renovationem servitiorum.*

[2] G. Villani, vii. 16.

swept away by the steady persecution to which it was subjected on the complete overthrow of the Suabian line; and Florence, having become exclusively Guelph, was divided between the party of burghers and populace, and that of the nobles and magnates, or *grandi*. The latter, although excluded from the government, or from *honours*, to use the phraseology of the time, could never be ousted from the Guelph Society, and continued to administer its large revenues. This Society was ordered in the fashion of a miniature republic, and notwithstanding numerous attempts to introduce an increasing burgher element within its pale, these efforts proved so fruitless and were so invariably thwarted, that the statutes compiled in 1335, and now extant in print, record the fact that money premiums were offered to promote the nomination of new knights. To each of the six knights elected during the year the sum of fifty gold florins was awarded, "so that a city of such great magnificence may be duly glorified by the number of its knights." Thus while, on the one hand, every means was taken to abase the great nobles, almost to the extent of securing their extermination, on the other, this threatened class continually gained reinforcement and support.[1]

[1] *Vide* the "Statuto della Parte Guelfa," chap. xxxix. It may be found in vol. i. (1857) of the "Giornale storico degli Archivi Toscani," that was published for some years jointly with the "Arch. Stor. It." This statute of 1335 (edited by Bonaini) is the earliest known statute of the *Parte Guelfa*, but does not appear to be the first that was compiled. In the above-mentioned "Giornale," vol. iii. (1859), Bonaini began a monograph, entitled, "Della Parte Guelfa in Firenze," which was continued in several numbers, but then left incomplete. *Vide* also G. Villani, vii. 17, describing the original formation of the Society. Its precise condition in 1293 is as yet imperfectly known, but this may be inferred from what it was shortly before and after that period.

IV.

With all these advantages, had the nobles been united, they might have regained their position even after the defeats of '66 and '82 and succeeded in dominating the people. But they were divided, and hotly at strife even among themselves. "There was much warfare" (Villani says) "between the Adimari and Tosinghi, between the Rossi and Tornaquinci, between the Bardi and Mozzi, between the Gherardini and Manieri, between the Cavalcanti and Buondelmonti, and likewise between certain of the Buondelmonti and Giandonati; between the Visdomini and Falconieri, between the Bostichi and Foraboschi, between the Foraboschi and Malespini, and among the Frescobaldi themselves, and between the members of the Donati family, and also among those of many other houses."[1] Nor is it surprising that such strong and powerful cliques should have felt jealous of one another. Added to this, the Guelph nobles included the remains of the Ghibelline party, which cherished Imperial tendencies; thus another germ of discord was sown that encouraged and excited the people to prosecute the war of extermination it had already set on foot. The popular party was far better organised and united; it was banded in various guilds forming part of the general constitution of the State, and on every occasion showed an energy and singleness of purpose never possessed by nobles. It is true, that even at this juncture, some seeds of jealousy were beginning to be discernible between the greater and lesser guilds and the populace; but open discord was long delayed. For the moment there was no hint of it. Certain special conventions, drawn up

[1] G. Villani, viii. 1.

in regular documentary form, had been arranged between the members of one or more of the guilds, and these agreements were designated at the time *Leghe*, *Posture*, or *Convegni*. But their object was chiefly commercial, being designed to keep the price of certain commodities up to a forced standard, and create illegal monopolies, and was seldom the result of political interests or animosities. They were not sanctioned by law, they certainly did not promote concord, but their importance was slight.

Thus the city became increasingly divided and subdivided into groups, and was apparently in danger of falling to pieces. The lower classes were still undoubted rulers of the government, but the nobles were also powerful, if in a different way; hence unity and concord were continually and seriously imperilled. Necessarily, therefore, the chief aim to be pursued, in order to avert a catastrophe, was the attainment of greater equality among the citizens, of greater union and strength in the various societies as well as in the government itself. In fact, for a long time past, Florentine legislation and successive revolutions had alike kept this object in view. The law of August 6, 1289, abolishing serfdom in order to emancipate the peasantry, was also another step towards equality. Those of June 30, and July 3, 1290, prohibited all agreements in any way opposed to the lawful constitution of the guilds. The law of January 31, 1291, imposed a fresh check on the nobles, by obliging all citizens, without any exception, to submit to the jurisdiction of the regular courts, and decreeing the severest penalties on any one asserting, or trying to obtain, the privilege of trial by special tribunals.[1]

But a more notable point is the fact that every fine

[1] The first of these laws, already known to the public, and the others which were then inedited, have been fully examined in chap. v. of this work and are printed in the appendix to the same.

decreed in such cases fell upon the fellow-associate or relation of the criminal, should the latter contrive to evade justice. However strange this rule may appear to the modern mind, its explanation is to be found in the account we have already given of the mode in which property was held at the time, and of the constitution of families and associations. When almost the whole of the patrimony was shared by the family in common, it would have been very difficult, and even dangerous, to inflict a fine on any one member of the house while exempting the rest, and for this reason the invariable tendency of the law was to insist on their solidarity. This principle seemed still more logical when it was a question of inflicting fines on nobles banded in closely united associations, and who, keeping all their interests in common, decided on acts of vengeance, and proved their intention of holding all things in common and dividing one another's responsibilities. Where property belonged to the whole family, it was only just that the whole family should be liable for the fine; where an act of vengeance was done in common, and the gravest offences committed in the name, and with the sanction, of the whole kindred, there could be nothing extraordinary in the law compelling one associate or kinsman to be mulcted in lieu of another, beginning with his nearest relations. Precisely for these reasons, it had long been customary in drawing out the list of the nobles, for the law to compel the said nobles to *sodare*, that is, to compel every one of them to stand surety not merely for himself alone, but also for his relations, by depositing the sum of two thousand *lire*. In this way, since money-penalties seldom exceeded the said amount, whenever a noble was fined he could use the money he had already deposited, or it could be employed for the same end by the kinsman bound surety for him, in case he should have escaped or contrived to evade the law by some unauthor-

ised device.[1] These were exclusively and precisely the principles upon which the Enactments of Justice were also founded. Accordingly it is impossible to consider them the personal invention of Giano della Bella, seeing that they were merely a logical consequence and natural result, inevitably evolved from preceding revolutions, institutions, and laws. Indeed, for the most part they only sum up and arrange older laws, so as to accentuate more plainly their primary and enduring intent.

V.

Giano della Bella was neither a legislator nor a politician, but a man of action. A noble by birth, he had fought at Campaldino where his horse was killed under him; he afterwards joined the popular side, by reason, it was averred, of a quarrel at San Piero Scheraggio with Piero Frescobaldi, who had dared to strike him in the face, and threaten to cut off his nose.[2] Whether this tale were true or not, it is certain that Giano was a man of violent disposition, great daring, small prudence, and disinterested love of freedom; but he was by no means devoid of the passion for revenge that even his admirers laid to his charge. "A forcible and very spirited man" (says Compagni), "he was so daring, that he defended matters forsaken by others, said things others left unspoken, did his utmost to bring justice to bear on the guilty, and was so

[1] In fact the "Ordinamenti" (rubric xviii. of the Bonaini edition) refer to this law, dated October 2, 1286 ("Provvisioni," i. 27), and comprised in the statute. Both the rubric and title are quoted in the "Ordinamenti." A *Consulta* (or decree) of March 20, 1280 (81), given in Gherardi's collection, p. 33, had also cited a similar and still older law: "De securitatibus prestandis a magnatibus," which was afterwards amended by that of 1286.

[2] Ammirato, at commencement of bk. iv.; also in "Provvisioni," ii. 72, Florentine Archives.

much feared by the Rectors that they dared not conceal evil deeds." [1] According to Villani "he was a most loyal and upright *popolano*, and more devoted to the public good than any man in Florence, one that gave help to the Commune without seeking his own profit. He was overbearing and obstinate in wreaking revenge, and also achieved some deeds of vengeance on his neighbours, the Abati, by using the authority of the Commune," [2] for which the worthy chronicler severely blames him.

When appointed Podestà of Pistoia, he immediately plunged into party strife, persecuting one side and favouring the other, with so much ardour that, instead of fulfilling his duty of pacifying the different factions, he inflamed their hatred to such a pitch that it was impossible for him to remain there to the end of his official term.[3] The whole course of his conduct in Florence proves, as we shall see, that he must have been a man of scant prudence and great impulsiveness. It was precisely these characteristics which made him a leader of the people instead of a legislator, and likewise an implacable enemy of the nobles.

After the battle of Campaldino the latter showed more audacity and growing insolence. "It was we who won the victory at Campaldino," they continually repeated, "and yet you seek our ruin." Bent on forcing their way to the front and gaining command, they daily insulted or injured some man of the people. The law was powerless against them, inasmuch as the offenders could never be unearthed; the latter were carefully sheltered, and no one desired or dared to testify against them. A *popolano* would be surrounded, attacked, even stabbed, yet nobody had seen the doer of the crime. Or some one would be dragged into the houses of an association, maltreated, beaten or tortured on the cord, yet all that occurred in those places remained

[1] Dino Compagni, bk. i. p. 56. [2] G. Villani, viii. 8.
[3] Ammirato, bk. iv. p. 348.

unrevealed. If some noble was condemned to a fine, he made haste to declare that he possessed no separate estate, and by his own negligence, or that of the magistrates, had failed to give surety, while his relations repeated the same story.[1] Hence it was necessary to recall the old laws into vigour, make them still stricter, and decide on new and sterner measures. So at last the priors in office from the 15th of December, 1292, to the 15th of February, 1293, urged on by the public voice, under Giano's guidance, commissioned three citizens, Donato Ristori, Ubertino della Strozza, and Baldo Aguglioni, to frame a new law fitted, not only to meet present dangers, but to assure greater stability to the Republic in the future. On the 10th of January, the Bill being then drawn up, the Captain of the People assembled the Council of One Hundred, and proposed that the required Councils should be asked to grant them full powers (*balìa*)[2] to proclaim it, if it were approved by the magistrates and by certain citizen worthies. Some proposed, in amendment, that it should be first read and discussed by the councils; but this would have entailed a risk of the whole thing coming to nothing. Accordingly the more practical course was chosen, and by seventy-two votes, against two negatives only, the requested *balìa* was granted. On the 18th of January the new law, entitled "Ordinamenti," or "Ordini di Giustizia," was proclaimed in the names of the Podestà, captain, and priors, and with the concurrence of the Heads of the Twenty-one Guilds and certain citizen worthies.[3] There is every reason to believe that Giano della Bella was one of the worthies in question; but

[1] In fact, many neglected to give surety (*sodare*), and several laws were framed to compel the contumacious to obey.

[2] This is known from the terms of the debate, which has been published by Bonaini in the "Arch. Stor. It.," New Series, vol. i. p. 78, document B.

[3] At that period there were twelve Greater and nine Lesser Guilds.

although historians suppose him to have been the creator and initiator of the law, since, as leader of public opinion, he compelled the Signory to pass it, yet he was not in the government at the time, nor does his name appear in any official decree.[1] Therefore he was by no means the sole author or compiler of the new law.

VI.

What, then, are these enactments? In replying to this question it is requisite to leave the historians aside and turn to the law itself. But there are several old compilations of it, differing so much from each other, that one form only comprises twenty-two rubrics, whereas some have more than a hundred. Accordingly, the first thing to be done is to ascertain which is the genuine and primary law passed on the 18th of January, 1293, since on this alone can an accurate judgment be based, and no other starting-point is possible. There are six of these very different compilations—four in print, and two still inedited. Two of the number may be summarily dealt with as unnecessary to our purpose. One is included in the general collection of Florentine statistics, formed in 1415 by Bartolommeo Volpi and Paolo de Castro, and printed with the false date of Friburg, towards the close of the eighteenth century (1778–1783). This consists of laws of entirely different periods arranged haphazard, without regard to chronology, and including the enactments, but these are given with all the modifications and changes introduced at a later

[1] Many historians assert that he was among the priors when the "Ordinamenti" were compiled. But these are officially dated the 18th of January, and Compagni states that Giano entered the Signory on the 15th of February. This statement is supported by the list of priors given by Coppo Stefani, in his "Delizie degli Eruditi Toscani," and likewise by documentary evidence.

date, and are also confusedly jumbled. No historian engaged on the times of Giano della Bella can make any use of a collection of this kind, since it shows no proof of authenticity. For the same reason we may also reject the Miscellany preserved in the Florence Archives, and that Bonaini calls "a *huge medley*," containing unconnected laws of different periods, and different tendencies, some enforcing and others modifying the Enactments of Justice. Hence, while possibly of some importance with regard to the history of the "Ordinamenti," this Miscellany cannot help us to discover their primary form.

Four other compilations remain, one of which only is inedited. Examination quickly shows that the one brought out by Bonaini comprises no more than twenty-two rubrics, and that the last of these, forming a general summary, is mutilated; the other compilations contain a greater number of rubrics, but, in all three, the general special enactments of January, 1293, are invariably given under the first twenty-eight rubrics.[1] In fact, from the twenty-ninth forward, appendices and posterior laws begin to occur, often separately dated, and seemingly tacked on to the enactments, in order sometimes to modify, sometimes to strengthen them, or again to diminish their effect, or because of their relation to cognate matters. All the laws and statutes of the Republic suffered more or less the same fate. Thus the notable divergences found in the various compilations are reduced to very narrow limits as regards the original body of enactments. Certain doubts still assail us, however, seeing that we not only find twenty-two rubrics on the one hand against twenty-eight on the other, but because these rubrics clash on various points. First of all, then, let us remark that the oldest compila-

[1] Another inedited compilation also exists in the Florence Archives Certain new rubrics were inserted in this at a later date, and even, as we shall show further on, among the first twenty-eight.

tion is undoubtedly the one published by Bonaini in 1855, from the original MS. in the State Archives. The editor felt assured of having discovered the original document of the enactments, but conscientiously preferred to entitle it the original draft,[1] seeing that, as Hegel has since ascertained, it is not the actual law that was approved and proclaimed by the magistrates. The codex is of great antiquity, and may be ascribed to Giano della Bella's day. In fact, in one heading, first inscribed and then cancelled, we find the date of 1292 *de mense ianuarii* (1293, new style).[2] The usual formula heading all decrees of the Republic is missing, and the said formula not only gave the date and title, but occasionally added the names of the magistrates promulgating the law. The codex is of small size, full of erasures, alterations, and additions written by different hands : often, too, there are empty spaces left between one rubric and another to allow room for future additions or corrections. Everything plainly shows that this old codex is only a rough copy of the law, standing exactly as it was drawn up, at the request of the magistrates, by the three previously mentioned citizens, and before it had been cast in its final form, or legally sanctioned by those charged to discuss and approve it, prior to its promulgation. Accordingly it is impossible to decide with any certainty whether it was modified at all, or in what degree. But although this rough draft is somewhat anterior to the actual law itself, the existing compilations are all posterior to it, and may consequently include later appendices and modifications. Thus, on

[1] Dr. K. Hegel, "Die Ordnungen der Gerechtigheit," Erlangen, 1867. This is a *Prolusion*, in which the learned author of the "Storia della Costituzione dei Municipi Italiani," very carefully examines the code edited by Bonaini, and compares it with others. But he does not investigate the value or intrinsic importance of the enactments, and merely gives a brief summary of them.

[2] "Arch. Stor. It.," New Series, vol. i. (1855) p. 38, note 1.

examining the Latin compilation edited by Fineschi in 1790, and the Italian one brought out by Giudici in 1853, both derived from old and authentic manuscripts, we find each to have all the characteristics of a regularly proclaimed law. Both begin with the official formula, and are dated the 18th of January, 1292 (1293, new style). On reading the rubrics appended to the second (the Italian copy), which is much longer than the other, we find various dates given, including that of 1324; whereas the first (the Latin version) contains none later than the 6th of July, 1295. Therefore the latter is the older of the two, and the occasional divergences existing even among its first twenty-eight rubrics are undoubtedly caused by amendments introduced at a subsequent time. Nevertheless, even the first rubrics of the Latin compilation evidently contain modifications of an earlier date than the 6th of July, 1295. For instance, in rubric vi. we find the number of witnesses—a point left undecided in the rough draft (rubric v.)—fixed at three in the two posterior compilations, and this point (as we shall see) can be proved on documentary evidence to have been settled by law in July, 1295. Therefore we are justified in concluding that it is the Latin and older compilation that gives the enactments as they stood in July, 1295; while the Italian copy, although proved, by examination of the codex, to be an official translation, occasionally includes alterations of even a later date than 1295. If, however, we only keep in view their first twenty-eight rubrics, and collate these with Bonaini's draft, it will be seen that, saving for the non-appearance in the latter of six rubrics, chiefly of a very insignificant kind, all other divergences are rather formal than substantial. In any case, wherever the three versions are found to agree, we may be sure of possessing the law passed on the 18th of January, 1293, in the precise shape

it wore at the time; but wherever, on the contrary, divergences exist, we must seek the aid of the chroniclers and of any new documents, should such be found, before arriving at a definite conclusion.

Following these rules, we may therefore proceed to examine the law.[1]

[1] Until this draft was published, we could only refer to posterior compilations, and had no means of ascertaining to what extent they differed from the law in its original form. Although Bonaini had failed to discover the original document of the law as approved, his publication of the first draft brings us very near to the real thing. And this is a point of no small importance, seeing that the laws of the Florentine Republic underwent such radical changes from one day to another, that a compilation, dated only two or three years after the original law, might be very different from it. For instance, Document A, published by Bonaini ("Arch. Stor. It.," New Series, vol. i. p. 72), contains a rider or addendum to the Ordinamenti passed on the 9th and 10th of April, 1293. This was inserted as part of the original law in the compilations edited by Fineschi and Giudici.

In the following bibliographical notices I shall be obliged, for the sake of greater clearness, to occasionally repeat or sum up previously related facts.

1. Of the various compilations of the enactments, that included among the printed statutes was the first to be published.

2. P. F. Vincenzo Fineschi published a second compilation in his "Memorie storiche, che possono servire alle vite degli uomini illustri di Santa Maria Novella," &c., Florence, 1790.

3. The third published compilation was given by Prof. P. E. Giudici in the appendix to his "Storia dei Municipi Italiani," Florence, Poligrafia italiana, 1853; reprinted in 3 vols., Florence, Le Monnier, 1864–66. This Italian compilation, divided in 118 rubrics, the last of which is mutilated, was published from a codex in the State Archives of Florence ("Statuti," No. 8). By some oversight the author chanced to omit the three concluding rubrics.

4. The last published compilation is that brought out by Bonaini in the "Arch. Stor. It.," New Series, vol. i. No. 1, 1855, of which we have already spoken, and shall have to mention again farther on.

5. Another compilation, to which previous allusion has been made (p. 89, note 1), is also deserving of notice. It is among the MSS. of the Florence Archives (ch. ii., dist. i., No. 1), and is still inedited. Padre Ildefonso published certain fragments of it, however, in vol. ix. of the "Delizie degli Eruditi Toscani," and Bonaini published an index of its rubrics, 134 in number.

6. In conclusion, we may mention the Miscellany or "Zibaldone," likewise referred to before, which in addition to many decrees issued between 1274 and 1465, some of which augment the force of the enact-

VII.

What, then, were these Enactments of Justice, as originally framed, and what is to be learnt from them? They work a political and social change in the Republic, for the evident purpose of promoting civil equality, giving greater unity to the government and increased strength to the guilds; also of assuring the harmony and concord of the people, and curbing the arrogance of the nobles. The more strictly political reform is confined to establishing safe rules for the election of Priors, and creating a new and more powerful magistrate, the Gonfalonier of Justice, to sit in junction with the Priors.

By request of the Captain of the People, the Priors authorised him to call a meeting of the Heads, or Consuls of the Twelve Guilds, in order to deliberate as to the

ments, also includes a petition presented by the people of Florence in June, 1378—namely, the year in which the Revolt of the Ciompi occurred, imploring that the Enactments of Justice should be again enforced, the which request was granted. This codex is also a useful contribution to the history of the enactments.

Recently both Prof. Del Lungo (*vide* "Bullettino delle Società Dantesca," Nos. 10, 11, of July, 1892) and Sig. G. Salvemini, undergraduate of the Istituto Superiore, Florence (*vide* "Arch. Stor. It.," Series v., vol. x. 1892), have published the provision of July 6, 1295, introducing several modifications and mitigations in the enactments. Although this provision was already known to the world, by Prof. Del Lungo's previous careful examination of it in his work on "Dino Compagni" (vol. i., 1078–80), Salvemini's clever commentary has gleaned fresh information from it. This provision includes all the modifications made in the enactments in 1295, and often gives fragments of the law as it previously stood, together with the changes then introduced. Hegel, having examined all the documents edited in his day, was the first to prove, on assured evidence, that the rough draft edited by Bonaini, although, as he thinks, omitting certain rubrics and comprising some disparities, mostly of form, contained the real gist of the original enactments. This in itself was an important result. Regarding the disparities noted by Hegel, and the missing rubrics, Salvemini was enabled, by studying the document of July 6, 1295, to make some novel remarks, to which we shall refer later on.

safest and most fitting mode of choosing their own successors. All candidates to the priorate had to be enrolled in some guild, and to exercise its trade, as the surest means of proving that they were not of the aristocracy—always the chief point to be ascertained. In fact no one remaining a noble could be eligible to the Signory, even if engaged in trade.[1] By means of subtle and often quibbling interpretations of the law, it was possible to compromise as to the actual practice of a craft, but never as to being absolutely free from all taint of aristocracy.[2] Thus Giano della Bella, in spite of merely having, as Villani relates, some slight commercial interests in France, was qualified, on discarding his rank and becoming one of the people, to enter the Signory in February, 1293. In July, 1295, as we shall see, the enactments were modified, and it was sufficient for candidates to be enrolled in some guild without practically exercising its trade, always providing they did not belong to the nobility. Many regulations were added to assure an equal division of public posts among all the Sestieri of the city and all the guilds, while prohibiting the nomination of several Priors belonging to the same Sestiere, family, or guild. None leaving office could be re-elected to it within two years, and this prohibition was extended to his relations as well. The office of Prior was held for two months; no one was

[1] Rubric iii. of the draft states that "De prudentioribus, melioribus et legalioribus artificibus civitatis Florentiæ, continue artem exercentibus, dummodo non sint milites." Also farther on: "Aliquis qui continue artem non exerceat, vel aliquis miles non possit nec debeat modo aliqui eligi, vel esse in dicto officio Prioratus." "Arch. Stor. It.," New Series, vol. i. pp. 44, 45. Rubric xviii., p. 66, enumerates the persons bound to give guaranty as nobles, although exercising a trade, "non obstante quod ipsi vel aliquis eorum de dictis domibus et casatis . . . sint artifices vel artem seu mercantiam exerceant."

[2] *Vide* on this point a document of 1287 appended to this chapter. It proves that the practical exercise of a trade or craft was held indispensable before 1293, and shows what precautions were required to prevent the law from being easily evaded.

allowed to ask or intrigue for it, but neither might one refuse to accept it. The Priors had to dwell all together in one house, where they lived and ate in common, without accepting invitations elsewhere or giving private audiences.[1]

The next subject considered was the election of the new magistrate, namely, the Gonfalonier of Justice. He was chosen every two months from a different Sestiere of the city, and his electors were the incoming Priors, captains, and guild masters, with the addition of two worthies of each Sestiere. He was elected on precisely the same terms as the Priors, saving that he might return to office after one year instead of two; he lived with the Priors as *primus inter pares*; he received the same honorarium of ten *soldi* per day, expenses included, so that he was practically unremunerated. But having higher attributes in the eyes of the law, he became speedily and of necessity the chief of the Signory.[2] At the public parliament the Gonfalon of the People was solemnly consigned to him, and one hundred *pavesi*, or shields, and twenty-five cross-bows with bolts were placed at his disposal, for the better equipment of part of the thousand *popolani* yearly selected to serve under him, the Podestà and Captain to preserve order and enforce the execution of the new laws.[3]

[1] Rubric iii., G. We generally quote from Giudici's Italian compilation as being more widely known than the others. But we are careful to collate it with the versions of Fineschi and Bonaini, taking note of significant divergences. The letters B. G. F. are used to indicate the respective editions of Bonaini, Giudici, and Fineschi.

[2] Mons. Perrens (vol. ii. p. 385, note 2) doubts this fact, and states that it only occurred in 1305. It is certain that the Gonfalonier's function was to enforce the enactments, and that when released from this duty by the creation of an "Executor" in 1306, he then began to be more specially considered as the chief of the Signory; but it is none the less certain, that among seven magistrates, all of the same legal standing, the one possessed from the first of loftier attributes and more direct command of the army, was virtually, if not nominally, their president and chief.

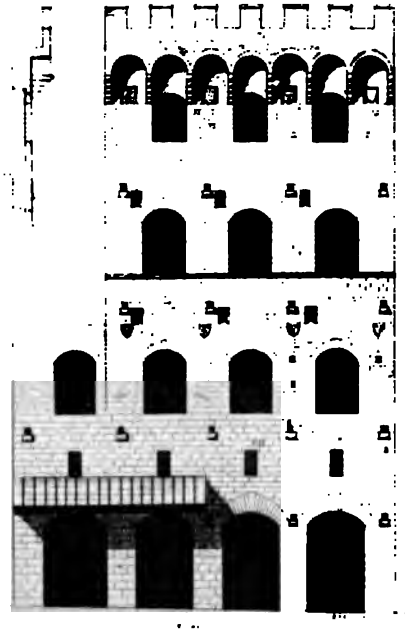
[3] Rubric iv., G. and F. We should note that the Latin draft reduces the Gonfalonier's interval of ineligibility to one year only, while the

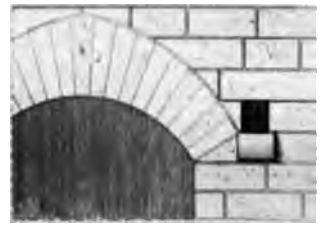
No relation of the Priors in office could be elected to the Gonfaloniership. The creation of this new post certainly serves to prove that the necessity of giving increased unity and supremacy to the Government was already acknowledged. But at that period Republican jealousy was too strong to sanction anything more than a mere show of supremacy. Accordingly, the Gonfalonier was only the most influential of the Priors, and liable to be changed on the same terms, albeit the fact of having the free disposal, at given moments, of the citizen army undoubtedly endued him with higher authority.

In treating of the branch of the enactments bearing on social rather than political cases, we should remark first of all that to these enactments was owed the settled constitution of the Florentine guilds, which now hastened to reframe or renew their own special statutes. The normal number of the guilds was likewise established by the enactments, and from that moment remained fixed at twenty-one.[1] In fact, the first rubric decreed that the guilds should take a

other compilations extend it to two years, as in the case of the Priors and as subsequently enforced. We have followed the Latin draft, for the additional reason that, in the law of 1293, edited by Bonaini (Doc. A, at p. 74), we find it ordained that Priors and Gonfalonier should share the same benefits and privileges, "salvo et excepto quod quæ in Ordinamento iustitie, loquente de electione Vexilliferi, continentur circa devetum et tempus deveti ipsius Vexilliferi, et circa alia omnia in ipso ordinamento descripta, in sua permaneant firmitate." This is repeated even under rubric xxxi., G. and F., whence we are forced to conclude that the prescribed interval before re-election to the Gonfaloniership was originally different from that established with regard to the Priorate, and only equalised with the latter at a subsequent time. Besides, in Compilations F. and G. no thought was given to correcting the rule laid down in rubric xxxi., where it is taken for granted that the original diversity was still in force. Florentine laws were always made and amended bit by bit. All doubts, however, are solved by the document from which we have quoted, dated July 6, 1295, extending the term of prohibition, as regarded the Gonfalonier, from one to two years. Salvemini has found proofs in the "Provvisioni" and "Consulte" that this rule had been already applied in December, 1294.

[1] As we shall see farther on, Dr. Lastig was the first writer to point this out.





THE GIANFILIAZZI PALACE, FLORENCE, pp. 96-97.

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solemn oath to maintain union and concord among the people. The second rubric annulled and forbade, under heavy penalties, all *companies*, *leagues*, *promises*, *conventions*, *obligations*, and *sworn pacts*, that is, all agreements among the people unprovided or unsanctioned by the laws, and opposed or alien to the constitution of the guilds. Both procurators and stipulators of similar agreements were liable even to capital punishment; and any guild known to be concerned in such agreement would be mulcted in one thousand *lire;* the consuls of the said guild, and the notary who had drawn the deed, in five hundred *lire.*[1] All this plainly proves that the law was not devised, as once believed and asserted, for the sole purpose of wreaking vengeance on the nobles, but was also framed with the intent of reforming the city and government by solidly organising the guilds and granting them higher political importance. Nevertheless, the humiliation of the leading nobles was certainly one of the principal objects of the law. Therefore we may now proceed to examine the clauses directed to that end.

VIII.

First of all, to punish the nobles for their continual attacks on the people it was requisite to make them guarantee their collective responsibility, since, in defiance of preceding laws, they frequently contrived to shirk that obligation. Most offences being punishable by fines, persons bound by no guarantees could easily evade the prescribed penalty on some pretext or another: therefore the enactments were framed to prevent such evasion of justice.[2]

Rubrics i. and ii. in Compilations B., F., and G.

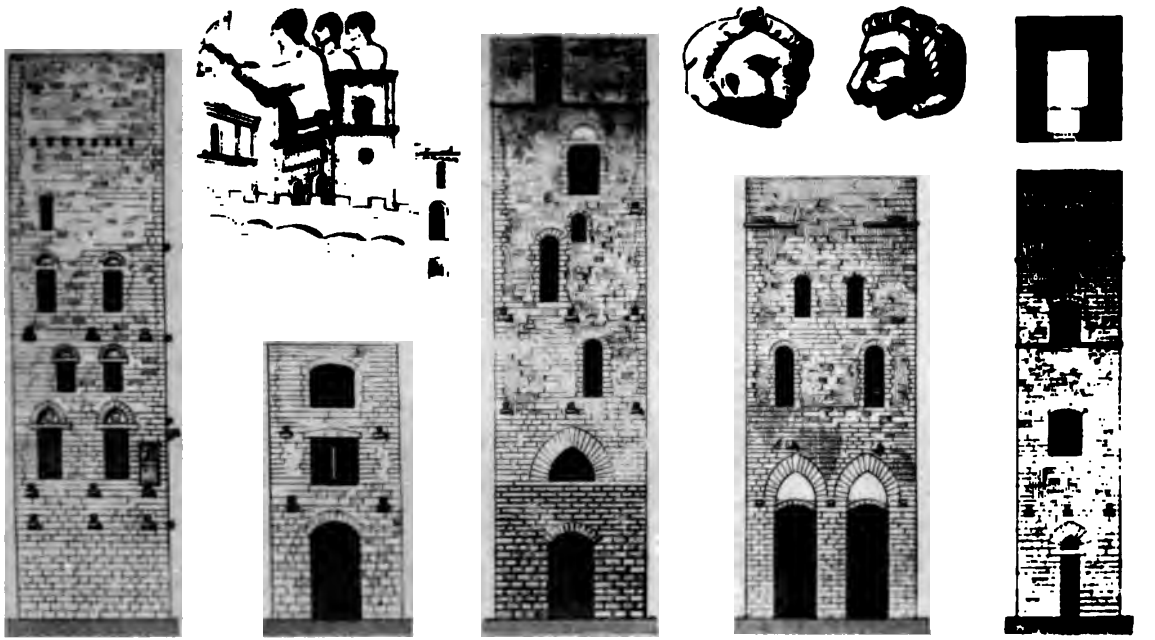
[2] Rubrics lxiii.–lxv., which, as we have noted, were added by another hand in 1297, to the codex edited by Fineschi, and correspond with rubrics lxxxii.–lxxxiv. of the codex edited by Giudici, there is renewed

They likewise gave fresh force to old laws which had been too often violated. "Further, to prevent the numerous frauds daily committed by certain leading nobles of the city and territory of Florence with regard to the guarantees pledged, or rather, bound to be pledged by the said nobles according to the terms of the statute of the Florentine Commune, as decreed under the rubric: 'De la securtadi che si debbono fare da' grandi de la città di Firenze,' and beginning with the words: 'Acciò che la isfrenata spezialmente de' grandi,' &c.—it is provided and ordained," &c.[1]

Consequently, all the nobles already enumerated in the above-mentioned statute, and of whom a new list was then made, were ordered to give guaranty, from the age of fifteen years to seventy, without exception, by the payment of two thousand *lire*, a sum generally sufficient to cover the highest fines exacted, apart from confiscation, which penalty was not only commonly, but abusively employed. The fact of being enrolled in a guild did not suffice to exempt any of these nobles from the duty of giving guarantees; the privilege of exemption being solely granted to him whose entire family, for this or that reason, or even by special indulgence, had been spared the duty of giving guarantees for five years at least, or declared absolutely free (*francata*). In either case the family was considered to be thoroughly of the people, and entitled to all the advantages deriving therefrom. The Signory was

reference to the tricks employed in order to avoid giving guarantees or nullifying their effect. When a noble committed a crime and refused to pay the prescribed fine, his nearest relation was legally bound to pay it in his stead. But in this case the said relation frequently made declaration, "that the guilty person who had either failed to give guarantees or offered pledges unsuited to the case, possessed one or more legitimate or natural children, aged one year, or more or less; and that for this reason the next of kin, or those supposed to be responsible in virtue of the said enactment, are exempt from the penalty prescribed by the same." (Rubric lxxxii., G., lxv., F.)

[1] Rubric xvii., G. The law quoted here is of October 2, 1286 ("Provvisioni,' i. 27).



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empowered to reduce the sum guaranteed (*il sodamento*) in the case of the poorer nobles, but it was precisely this clause that opened the door to partiality and fraud.[1] The law proceeded to state that the fixed time for giving guarantees was the month of January or February at the latest: any one refusing or delaying obedience, no matter in what way, would be banished, and his nearest kin in the male line compelled to give surety in his stead. The penalty of any crime committed by an unguaranteed person was to fall on that person's relations. But when the penalty was death, and the criminal had fled, his relations must pay three thousand *lire* instead of the guaranteed two thousand. But in case of mortal feud between the members of a family their obligation of giving surety for one another was cancelled. This plainly shows that when community or interests and passions had ceased to exist the law no longer insisted on the collective responsibility of kinsmen or associates. This assists our better comprehension of the real scope of the enactment.[2]

When, however, the members of associations acted in common, as one entity, the law framed for the purpose of dissolving those associations made the members reciprocally responsible, obliging them to guarantee and pay for one another. But no penalties save fines, and these only within certain limits, were exacted from relations and fellow associates, since an association was only fined as a collective body. This will explain

[1] Rubric xvii., B., F., G. The two later compilations have an addition tacked on at the end, that is not included in Compilation B. In the Italian codex (G.) this addition is undated, but in the Fineschi compilation is dated July 6, 1295. Its purpose is that of attenuating the law by declaring that all omitted from the list of nobles in the statute, or who have changed their name, and are known by another, are not to be considered nobles. This addition was contemporaneous with the extension of the legal number of witnesses from two to three.

[2] Rubrics xviii. and xix., F., G. These and rubric xx. also are not in the Latin draft, as we shall have again to remark farther on.

what Compagni and Villani meant by saying that according to the enactments, "one associate was bound for the other."[1] We may see how Machiavelli blundered, or at least exaggerated, in his interpretation of their words when he stated in general terms that "the associates of a criminal were made to suffer the same penalty to which the latter was condemned;"[2] and we can also note the mistake committed by modern writers in clinging to an interpretation, that is totally contradicted by the terms of the enactments, which would be otherwise in opposition to the culture of the period and the most fundamental principles of law. The measures specially directed against the nobles may be reduced to two leading clauses, namely, the revival in a more rigorous shape of the old laws excluding the nobles from office and obliging them to guarantee and pay one another's fines; and the increased severity of the punishments inflicted on them by—to use Villani's words—"a different mode of doubling collective penalties."[3] Let us now see what these penalties were in their aggravated form.

According to the enactments, should a noble murder or procure the murder of one of the people, both the noble and the doer of the deed are to be condemned to death by the Podestà, and their property destroyed and made confiscate.[4] Should they escape by flight, they are to be sentenced in contumacy, and their property confiscated, Nevertheless their guarantor will have to pay the sum for which he stood surety, but with right of reimbursement from the confiscated and demolished property of the

[1] Compagni, i. 11; Villani, viii. 1.
[2] "Storie," bk. ii. p. 80, Italy, 1813. [3] viii. 1.
[4] The nobles frequently employed friends or dependents to execute their deeds of vengeance or assault—hence the enactments nearly always refer to authors of crime in the plural as those chiefly charged with the deed. The law of the 6th of July, 1295, was attenuated on this point, as we shall see, by its recognition of a single leader or "captain" of the crime, the others being only punished as accessories.

fugitive criminal. All other nobles who, without being direct accomplices in the crime, have had any share in it, are sentenced to a fine of two thousand *lire*; if failing to pay this, their property is confiscated, and their kinsmen or guarantors bound to pay it in their stead. But when the crime in question was that of inflicting serious bodily hurt, the doer of the deed and its instigators were sentenced to a fine of two thousand *lire*. If refusing to pay the penalty, their hands were chopped off; if escaping the reach of justice, their possessions were sacked, their funds confiscated, and their guarantors bound to pay the fine, but with the usual right of reimbursement from the sums confiscated by the State. For slighter offences, slighter penalties were adjudged. In every case the guilty were forbidden to hold any public office until five years had elapsed. For murderous attempts, the sworn testimony of the injured person or his nearest relation, together with that of two witnesses of known probity (*testimoni di pubblica fama*), was considered sufficient proof of the crime; nor was it necessary for the two witnesses to have seen the crime actually committed. This was the clause most obnoxious to the nobles. In general they were little disturbed by threatened punishment, even of the severest kind, since they always hoped to escape it. But they were roused to fury as well as alarm, when measures were taken for the rigorous enforcement of the penalties prescribed. And this was precisely the chief intent and soul of the enactments. The whole course of procedure enjoined by them was almost as summary as that of martial law, and allowed much weight to public opinion, which, in the midst of party strife, was no trustworthy guide. The close union prevailing in associations had made ordinary legal procedure very difficult, if not impossible. Hence it was ordained that

whenever a crime was perpetrated, the Podestà was bound to discover its author within five, or at most eight days, according to the gravity of the deed, under pain, in case of neglect of loss of office and a fine of five hundred *lire* for minor offences. In such case, however, the Captain was charged to take the matter in hand, and subject to the same penalties. All shops were then to be closed, the artisans called to arms, and the Gonfalonier to be on the alert to punish all recusants. But when the Podestà discovered the criminal, and it was a case of homicide, he and the Gonfalonier together were to ring the tocsin without waiting for the sentence of the court, and assembling the thousand select men, proceed to demolish the houses belonging to the criminal. The guild-masters were prompt to obey the Captain's summons. When slighter offences were in question the criminal's houses were not destroyed until sentence had been passed.[1] It should be remarked that this pulling down of houses was never carried to the point of total demolition, and, particularly in cases of petty crimes, the Gonfalonier and Podestà always settled beforehand what damage should be wrought.[2]

Very severe penalties were imposed both on injured persons failing to denounce crime,[3] and on the makers of false accusations.[4] When one of the people received hurt through joining in some quarrel of the nobles, or in cases of conflict between master and man, the enactments were not applied, and the common law was again enforced.[5]

[1] Rubric vi., F. G. and V. B.

[2] This is derived both from the terms of the enactments and from the chroniclers. According to the latter, criminals occasionally obtained partial compensation because the destruction of their property had been carried too far.

[3] Rubric xii., F. G., vii., B.

[4] Rubric xiii., F. G. This being a codicil added in 1295, it is not comprised in Compilation B.

[5] Rubrics vi, vii., F. and G. Not comprised in B, having been added in 1295. It should be remarked that in the legal phraseology of the time

Other clauses followed touching unjust appropriation of the people's property on the part of the nobles, and obstacles interposed by them to bar the former from due receipt of income, for which offences, fines varying between one thousand and five hundred *lire* were prescribed in the customary way.[1] A noble sentenced to any fine was forbidden to beg or collect the amount from others, since this would have made it easier to commit deeds of vengeance in common and pay the penalty by means of a general subscription. Therefore any noble begging contributions from others was condemned to a special fine of five hundred *lire*; while all trying to collect money for him, as well as those supplying it, were mulcted in one hundred *lire*.[2]

"common law" signified Roman law; the law as prescribed by the statutes being held almost in the light of a special or exceptional code. But as the enactments constituted in themselves an exception, with regard to the statutes, the latter are referred to wherever *common law* is mentioned. When the question was of two municipalities, one of which was subject to the other, the subject municipality was always allowed (excepting in political concerns) to retain its own statutes; but in cases where these proved insufficient, it had recourse to those of the dominant city, as though these constituted the common law.

[1] Rubric ix., F. G., and vi., B. In this case two witnesses were always needed to prove the offence, and on this point all the compilations, including the rough draft, are agreed. Regarding the other cases, Compilation B (rubric v.) only says *per testes*, meaning more than one, that is, two or three. On the 6th of July, 1295, *per testes* was changed to *per tres testes*, and so it stands also in rubric vi., F. and G.

It should be remarked that in the Italian compilation this rubric ix. has a codicil that is neither comprised in the draft nor even in Fineschi's compilation, and this is an additional proof that the Italian compilation was of later date than the Latin text, of which it is generally the faithful translation. The codicil decrees that the fine is to be paid to the Commune either by the offending party himself or his nearest relation.

Rubric xi., F. and G., answering to rubric xvi., B., treats of the rights acquired by nobles over real property appertaining to the people, and alludes in this connection to the *associates* or *relatives of the popolani*. This proves that the custom of joining in associations was very general at the time, and likewise shows how nearly the ties of association resembled ties of relationship.

[2] Rubric xvi., F. and G., rubric ix., B.

No appeal of any sort was permitted against sentences pronounced according to the enactments,[1] since these overruled all ordinary statutes, and it was forbidden either to prorogue, suspend, or alter them, under penalty of incurring the severe punishments prescribed in the *General Conclusion*.[2]

IX.

Thus the Enactments of Justice were framed. As already stated, their object was to fortify the guilds, give greater unity to the Government and the people, humble the nobles, and promote the dispersal of associations. Only it was to be doubted whether a law of this kind could be fully carried out, or would not rather be violated by the nobles, thus sharing the fate of many earlier laws promulgated for the same purpose. Giano della Bella used his best efforts to avert this danger. He had not compiled the enactments, nor was he in office when they were discussed and passed; but he undoubtedly assisted in promoting them. On the 15th of February, 1293, shortly after they were proclaimed, he was elected to the "Priors," and on the 10th of April—namely, ten days before his term of office expired—we find that a new law, devised for the purpose of "fortifying" the enactments among which it was subsequently incorporated, was presented, discussed, and passed by all the State Councils.

[1] Rubric xxvi., G., xxi., B.

[2] This "Conclusion" is mutilated in the xxii. and final rubric of Compilation B. It exists in full in rubric xxvii., F., and rubric xxv., G.

It should be noted at this point that, leaving aside other partial disparities, those rubrics, included in Compilations G. and F., and entirely omitted from Compilation B. (whether as the results of later decrees, or actually passed at the time when the draft was engrossed in its definite official shape, we have no means of really ascertaining), were those indicated in Compilations G. and F. by the numbers xviii., xix., and xx.

This additional law, one decidedly accordant with the spirit of action rather than of debate, possessed by Giano della Bella, was of a very simple kind. It ordained that another thousand men, together with one hundred and fifty *magistri de lapide et lignamine* and fifty *piconarii fortes et robusti, cum bonis picconibus*,[1] should be added to the force of one thousand *popolani* at the disposition of the Gonfalonier of Justice, of the Captain and Podestà. The object of this new measure was self-evident: it was intended to inflict real punishment; to thoroughly confiscate the property and demolish the abodes of all nobles doing injury to the people. Accordingly the aristocrats were provoked to fury, and their hatred of Giano could no longer be restrained. But he was nowise alarmed; on the contrary, it spurred him to new efforts, and he planned another measure, that, if carried into effect, would have proved a deathblow to the nobles.

As we have seen, the latters' position as magistrates of the Guelph Society still kept their power intact; so, in order to humble them, Giano proposed to deprive their captains "of the seal of the Society, and of its property, which was considerable, and hand these over to the Commune. Although a Guelph, and of Guelph nation-

[1] This law, drawn up in full official form, is contained in Document A, of the Bonaini Compilation, but still as a separate law. On the other hand, in Compilations F. and G. we find it incorporated with the enactments it was designed to strengthen. In Compilation G. it is dated April 10, 1293, so also in the Latin Codex, but is undated in Compilation G. We should remark in this connection that the law edited by Bonaini is not only incorporated with the enactments in Compilations F. and G., but in both comprises codicils of a later date—such, for instance, as giving power to call nearly the whole of the city and territory to arms, up to the number of 12,200 men. Had this clause been passed in Giano's time, the chroniclers could not have failed to record it. Villani states that at first one thousand men only were enrolled—that is, the same number authorised by the earlier enactments; the number was afterwards raised to two thousand, as enjoined by the new law, and later still to four thousand (viii. 1). Therefore, even according to Villani, the number was progressively enlarged.

ality, he hoped, by this measure, to humble the power of the magnates."[1] In fact, once deprived of the seal, that was the symbol, as it were, of their separate entity; once their movable property, or funds, transferred to the Commune, their caste would have been notably enfeebled, if not destroyed, and the last stronghold of nobility lost. Giano's proposal was likewise justified by a law established by the Guelph Society, decreeing the latter to be only entitled to one-third of the property confiscated from the Ghibellines,while as matter of fact it had appropriated the whole. Hence there was some reason for compelling the Society to disgorge at least the two-thirds it had unduly usurped. To what extent Giano's plan was fulfilled, the absence of documents leaves us in ignorance. Although the incident is recorded by historians,[2] the Guelph Society long continued to exercise tyrannous rule. At any rate the mere fact of proposing this law suffices to explain the increasing hatred developed against Giano, and the speedily visible signs of approaching disaster in the city.

X.

Thereupon the people rose to the emergency, and in order to be prepared for events, hastened to avert all risk of foreign war by concluding peace with the Pisans, in spite of the latter being already reduced to such extremities, that the continuation of the war would have certainly led to their still deeper humiliation and abasement. But the Florentines decided for peace in

[1] Villani, viii. 8.

[2] After Villani, Ammirato wrote: "For in addition to the measures ordained, Giano had deprived the Captains of the Society of their seal; and had provided that the funds of the said Society, which amounted to a large sum, should be consigned to the Commune" (vol. i. bk. iv. p. 346, Batelli edition, Florence, 1846–49).

order to "fortify the position of the people, and lower the power of nobles and potentates, who often acquire renewed strength and vitality by war." [1]

Negotiations were set on foot during the Gonfalonier-ship of Migliore Guadagni (April 15 to June 15, 1293), and concluded soon afterwards during that of Dino Compagni. The terms arranged were: the restitution of prisoners; free passage through Pisa for the merchandise of all communes included in the Tuscan League, and the same right of passage, free of duty, for Pisan merchandise through the States of the League. For the term of four years the Pisans were to contrive the election of their Podestà and Captain, in such wise that one of the pair should always belong to one of the communes of the League, the other to some house not rebelled against the same, and no member of the family of the Counts of Montefeltro was ever to be chosen. Now the Pisan leader who had defended the city so valiantly, and filled the offices of Podestà, Captain of the people and of war, was precisely Count Guido Montefeltro. Hence, by the terms of the treaty, he was now forced to leave Pisa, together with all the foreign Ghibellines; and twenty-five leading citizens were also to be given in hostage. Thus the Pisans were compelled to behave with the harshest ingratitude. The count, indeed, might have made them pay dearly for it, being still in command of a numerous and most devoted army; but he preferred to bear the insult with dignity. Appearing before the Council, he recounted his services to Pisa, the ill return made for them, and then, having received the monies due to him, instantly went away. The Pisans were likewise pledged to dismantle the walls of the fortress of Pontedera, and to fill up the trenches; farther, to recall to the city all the lead-

[1] Villani, viii. 2.

ing Guelph exiles. On the other hand, Florence was to give back their castle of Monte-Cuccoli, and all their other possessions in Val d'Era.[1]

Having thus put an end to what seemed for the moment their weightiest concern, the Florentines devoted more energy to the less important undertakings on hand. Various districts or castles, such as Poggibonsi, Certaldo, Gambassi, and Cutignano were reduced to submission. The Counts Guidi were deprived of jurisdiction over numerous domains in the upper valley of the Arno. Also possession was resumed of many others in the Mugello, which had been illegally usurped by the said Counts Guidi, the Ubaldini, and other powerful lords. A commission of three burghers of the lower class was then appointed to estimate all possessions appertaining to the city and its territory. These commissioners likewise cleared the lands of the St. Eustachio Hospital, near Florence, of many unlawful occupants, and put the estate under the direct protection of the Consuls of the Calimala Guild.[2] Another fact should also be noted, if only to prove what universal energy was displayed at this juncture by the Florentine people who, as Villani phrases it, "were heated with presumption and consciousness of power." A certain man fled to Prato after committing some crime, and was given refuge there. The Republic immediately demanded his extradition, and on Prato's refusal, sentenced that Commune to a fine of ten thousand *lire* and the surrender of the criminal, despatching a single messenger with a letter to this effect. As the authorities of Prato were still recalcitrant, war was promptly declared, horse and foot called to arms, and the town was finally compelled

[1] Villani, viii. 2; Ammirato, *ad annum*, vol. i. p. 339.
[2] Ibid. viii. 2; Ammirato, vol. i. pp. 340, 341.

to yield the point. "And this is how the hot-blooded Florentines managed their affairs." [1]

XI.

Just when all was safe and tranquil outside the walls, the worst of dangers began in the city. The nobles were determined to prevent the Enactments of Justice from taking effect, and accordingly contrived that after all attacks upon the people, the offenders should be cited before judges belonging to their own party. These conducted the trial to their advantage, and thus the Podestà, without being aware of it, punished the innocent instead of the guilty. For the nobles sheltered evildoers, protected their fellow associates, and on every attempt to enforce the law, did their best to raise riots. All these proceedings were fiercely combated by the people, under the guidance of Giano della Bella, who was always reiterating the cry, "Perish the city rather than justice!" Accordingly public feeling became so inflamed that the most sanguinary measures were threatened in retaliation on the nobles. The first family to incur the worst penalties decreed by the enactments were the Galli. One of that line having mortally wounded a Florentine merchant in France, their dwellings in Florence were demolished.[2]

[1] Villani, viii. 2; and "Cronica" of the pseudo B. Latini, *ad annum.*

[2] Ibid. viii. 1. Compagni gives a different version in vol. i. 12. He relates that the offenders were of the Galigai family, and that he, being Gonfalonier at the time, had to demolish their dwellings. We have adhered to Villani, who states the fact to have occurred under the first Gonfalonier, Baldo Ruffoli (in office from February 15th to April 15th), whereas Compagni held the Gonfaloniership from June 15th to August 15, 1293, and it is scarcely probable this could have been the first occasion on which the enactments were enforced. It is known that Compagni's Chronicle is only extant in copies dated after his time, and therefore probably containing blunders, alterations, and

This instance easily prepared the way for sterner measures. The people clamoured for new and more vigorous sentences; therefore it was feared, says Compagni, "that were the accused left unpunished, the rector would be left to bear the brunt, and thus no accused person was granted impunity." The fury of the nobles reached its climax, and they complained, with some show of reason, that "if a horse at full gallop chanced to whisk its tail in the face of a *popolano*, or some one in a crowd pushed against another man's breast, or small children came to blows, there was no reason why their property should be ruined on such slender pretext." [1]

Accordingly they conceived the idea of conspiring to the bodily hurt of Giano, the ringleader and head of the people, and thus getting rid of him for ever. To compass his assassination seemed easy, by reason of his straightforward impetuosity and incautiousness. He had great influence over the populace, but even this was a point open to attack. As we have seen, the Lesser Guilds and the populace lived by petty industry and small trades carried on within the city; and their chief profits being derived from noble customers, the latter had much ascendancy over them and no few adherents in their ranks. Besides this, a certain amount of jealousy had

additions made by its transcribers. Compagni's chronology is often extremely vague. While Gonfalonier he may have undoubtedly seen some sentences executed; but the first sentence on the nobles seems to have been carried out as related by Villani, and also corroborated by Coppo Stefani, bk. iii., rubric 198, Ammirato, vol. i. p. 338, and other historians of weight. Some years after the first publication of this essay, Professor Scheffer Boichorst produced the famous work (*vide* "Historische Zeitschrift," xxiv. p. 313, 1870) that raised the very heated controversy as to the authenticity of Dino Compagni's Chronicle. At a later period Professor Del Lungo's learned volumes induced the German scholar to cede many of the points in dispute. Accordingly we may still continue to refer to Dino Compagni, although not without careful sifting and discrimination.

[1] Compagni, i. 12, p. 55.

already sprung up between the lowest class and the well-to-do burghers, who, being mainly concerned in the export and import trade,[1] were independent of the nobles, hated them, and sought their destruction. Nevertheless these burghers could not approve of Giano's attempts to rouse the ambition and increase the strength of the lowest class, which was disgusted at being excluded from the Government and yearning to have a share in it.

Another element of strife was soon to be introduced by the election of Pope Boniface VIII. (December, 1294). This Pontiff had an immoderate appetite for temporal power, and believed that owing to the interregnum of the Empire, its rights could now be assumed by the Papacy throughout Italy and Europe. He was particularly anxious to increase his power in Florence, the leading city of Tuscany, where his own predecessors had appointed Charles of Anjou to the post of imperial vicar. Therefore he quickly began to open negotiations with the nobles, whose present weakness increased their readiness to come to terms with him, and who would have willingly resumed the government of the city in his name, just as their Ghibelline ancestors had often held it in the name of the emperor. But this was naturally opposed by the burghers, who being determined, on the contrary, to maintain the liberty and independence of the Republic, could not, albeit staunch Guelphs, side with the Pope at that moment.

Secret intrigues between Boniface and the nobles were now carried on through the Spini, rich Florentine merchants, who, as bankers to the Curia, had agents in Rome. The first step hazarded was to call to Tuscany a certain Giovanni di Celona,[2] who was already on the march towards Italy with several hundred men, in response to a summons from the Pope and the nobles. The latter,

[1] *Vide* chap. vi. of this work.

[2] Jean of Châlons in Burgundy.

intending to use his force for their own ends, had made him many promises, and with the concurrence, it would seem, of certain of the burghers. But the affair dragged, and men's passions were now outstripping the political manœuvres employed to feed the flame. Accordingly, without further delay, it was decided to hatch a scheme for the murder of Giano della Bella. "The shepherd struck down, his flock will be scattered," so said the nobles.

Only, as it fell out, the party in favour of craft prevailed over the side preferring violence. At this moment frequent excesses, perpetrated by the people, remained unpunished through the pussillanimity of the judges. The butchers in particular, led by one Pecora, an audacious ruffian, who had publicly threatened the Signory, committed worse outrages from day to day. Hence, at the popular meetings frequently held by Giano, the nobles, knowing his love of justice, would whet his indignation by saying, "Dost not see the violence of the butchers? Dost not see the insolence of the judges, who, by threatening to punish the rectors when the time of investigation arrives,[1] wrest unjust favours from them? Suits are suspended for three or four years, and sentences never pronounced." Thereupon the loyal Giano would promptly reply, "May the city perish, rather than this state of things be continued! Let laws be framed to repress all this wickedness." And then the nobles would maliciously hasten to inform judges and butchers that Giano meant to crush them with new laws.[2] In pursuance of this cunning scheme, they suggested a law against exiles, in the hope of soon being able to apply it to Giano himself. It seems that he was on the point of falling

[1] It is known that the Podestà, Captain, and many other magistrates were subjected to an investigation or *sindacato*, on retiring from office.

[2] Dino Compagni, i. 13; Villani, viii. 10.

into the trap, but received timely warning. So then, refusing to hear another word, either from friends or foes, he forbade that any law whatever should be proposed, and threatened his enemies with death. Accordingly the meeting only served to increase the general heat and ferment.[1]

The nobles were not to be checked so easily. Seeing that Giano still retained many friends, and that there was no hope of conquering by craft, they held a private sitting in the church of San Jacopo Oltrarno, to discuss what should be done; and violent measures were once more suggested. Giano's personal enemy, Betto Frescobaldi, the same who had once struck him in the face at San Piero Scheraggio, spoke to this effect: "Let us cast off this slavery; let us arm and rush to the Piazza; let us kill both friends and enemies of the popular class, as many as we find of them, so that neither ourselves nor our sons may ever be crushed by them." But the promoters of intrigue were again in opposition, and Baldo della Tosa replied very quietly, "The wise knight's counsel is good, but too risky, since, should the scheme fail, we should all perish. First let us conquer (our enemies) by cunning, and excommunicate them with soft words. . . . And when thus excommunicated, let us harry them in such sort that they can never lift their heads again."[2]

But quite suddenly a fitting opportunity for violence spontaneously arose. Corso Donati, one of the most powerful and arrogant of Florentines, induced some of his

[1] Dino Compagni, i. 13. The author does not explain the nature of these meetings in which nobles and people were brought together. They may have been private or preliminary assemblies. But even at the Councils of the Guelph Society, as also at those of the Podestà, nobles and people sat together, and therefore had continual opportunities for talking over affairs of the State and discussing proposed bills.

[2] Dino Compagni, i. 15.

followers to assault Messer Simone Galastroni, and a riot ensued in which one man was killed and two wounded. Both sides laid complaints; but when the affair was brought before the judges charged to try the case, one of them, influenced by the usual party spirit, arranged that the notary should reverse the depositions of the witnesses. When the case, thus garbled, was brought before the Podestà, Giano di Lucino, he acquitted Donati, and condemned Galastroni. Thereupon the people who had witnessed the riot, and knew all the circumstances, rose to arms, shouting through the streets: "Perish the Podestà; he shall perish by fire!" They made for the palace, faggots in hand, to burn down the door, and expecting to be actively assisted by Giano della Bella. But, on the contrary, he sided with the magistrates, whose authority he invariably held in respect. Nevertheless, the door of the Podestà's palace was consumed, his horses and chattels were stolen, his men captured, and his papers scattered and torn. And as many persons knew him to possess indictments against them, they took care to destroy his official documents. He and his wife contrived to escape to an adjoining house, and obtained refuge there. Corso Donati, who was in the palace at the time, saved his life by flying from roof to roof.

The Councils assembled the next day, and for the honour of the Republic decided to restore all the Podestà's stolen property to pay him his salary and send him away. Thus order was re-established at once, but public feeling was still very inflamed, and the nobles saw that the moment for wreaking vengeance on Giano had finally arrived. In fact, some of the people were his foes, owing to the numerous calumnies purposely launched against him, and among others the charge of having promoted decrees to the hurt of the judges and butchers; some, again, were furious because he had sided with the

Podestà, while others denounced him as the author of the riot. Accordingly, profiting by the general confusion and uncertainty, his enemies succeeded in obtaining the premature election of a Signory opposed to his views; and he was speedily cited before the new magistrates on the charge of having caused the disturbance. At this the whole city rose in tumult. Some desired his condemnation; but the populace hastened to assume his defence. Thereupon he decided to go away, and left Florence on the 5th of March, 1295, for he shrank from being the cause of civil strife, hoped that his departure would open the eyes of the wiser citizens, and that the latter would speedily procure his recall. However, in this his calculations were at fault, for he had many more enemies than he imagined. Accordingly he was sentenced in contumacy in the name of the enactments he had urged, and of which he was held to be the author. The Pope hastened to congratulate the Florentines, and Giano realised that his star had set. So, acting with his usual impetuosity, he unhesitatingly removed to France, where he possessed some share in the Pazzi bank, and died there in exile. His Florentine houses were demolished, his friends and relations condemned to punishment, but the Enactments of Justice long remained in force.[1] With regard to Giano, Villani remarks that "every one who became a leader of the people or the masses in Florence was invariably deserted." He adds that "on account of this novelty, there was great perturbation and change in the people and city of Florence, and that henceforth the artisans and populace had little power over the Commune;

[1] We have gleaned this narrative from Villani and Compagni, endeavouring to make their accounts agree, although this is no easy task, seeing that the two are at odds on many points. Accordingly we have tried to collect all the details given by both which are not in contradiction. Compagni, i. 16, 17; Villani, viii. 8.

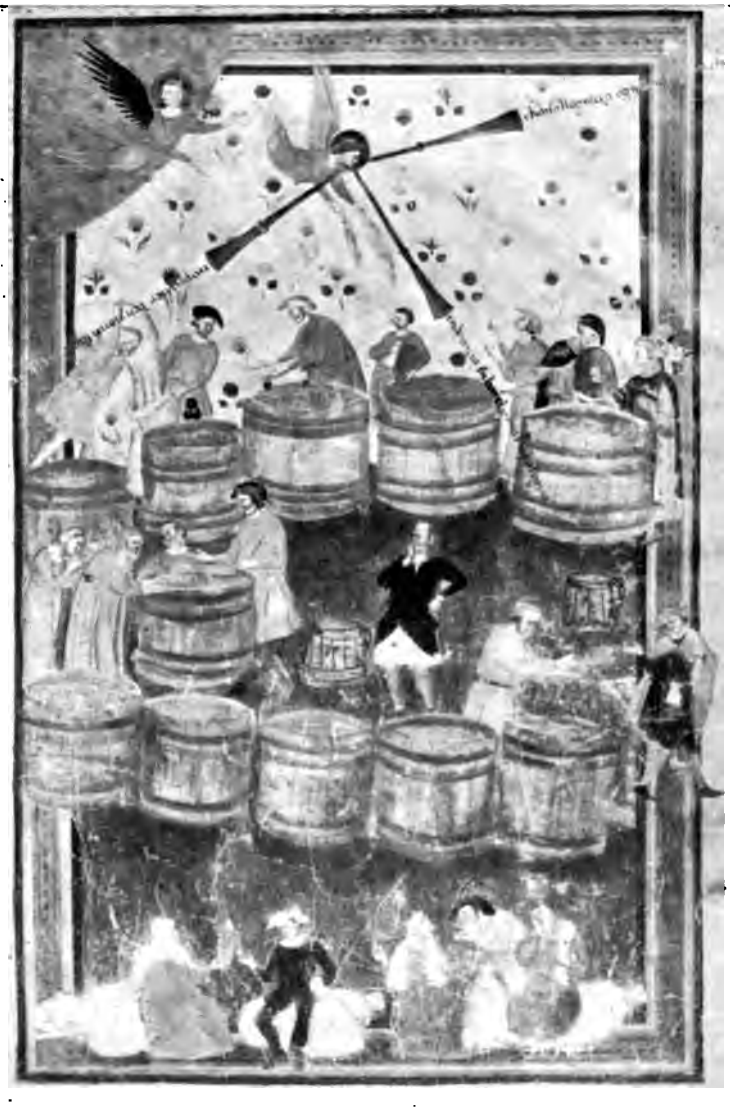
and that the government remained in the grasp of rich and powerful burghers." [1]

XII.

These concluding words from the chronicle of a skilled observer such as Villani enable us to understand more completely the general character of the revolution described; for as this was the natural outcome of many preceding disturbances, its study throws a new light on earlier events.

When the Florentines succeeded in destroying the castles of feudal and Ghibelline nobles scattered over their territory, and in forcing the conquered to inhabit the city, the Republic became split, as we have seen, in two parties, constantly at strife: the one composed of Ghibelline lords, the other of Guelph *popolani*. When the Hohenstauffens of Naples and Palermo called all the Ghibellines of Italy to arms, the magnates of the party took the lead in Tuscany, with Frederic and Manfred to back them, again dominated Florence and drove out the Guelphs. But when the Swabians fell and were replaced by the House of Anjou, the Empire became weakened, and Italian policy took a new turn. The Guelphs once more triumphed in Florence, and the democratic element, already constituting the real strength of the State, wreaked vengeance on the Ghibellines, who seemed to be almost annihilated. Only as it chanced, at this moment, the Guelphs were split into two factions, the nobles on one side, the people on the other; and this division led to another and equally bitter struggle, undertaken for the purpose of crushing the magnates outright. Thus the latter were driven to crave admission to the guilds, to assume democratic habits, and even to discard their old

[1] Villani, *loc. cit.*



SCENE IN CORN MARKET, FLORENCE.

(From early XIV. Century MS. in the Laurentian Library.)

[*Pages* 116–117.

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RIOT IN CORN MARKET, FLORENCE.

(From an old MS. in the Laurentian Library.) [*Pages* 116–117.

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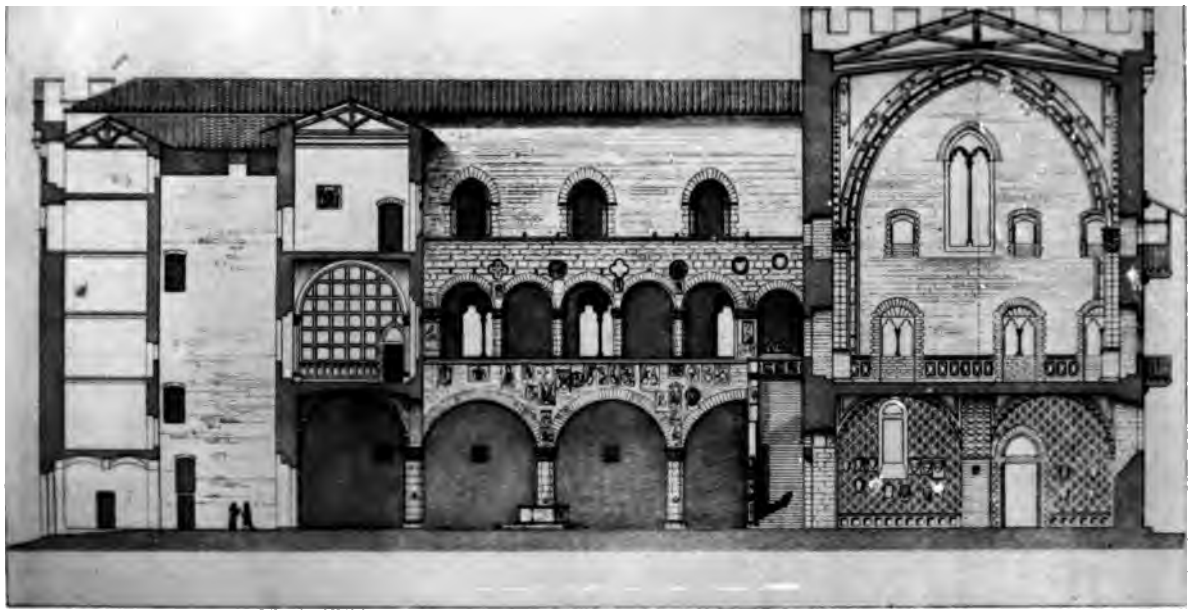
family names, unless resigned to exclusion from the government. After a prolonged series of different legal measures and revolutions, the Enactments of Justice finally achieved the aim that the Florentine Republic had so long —and, indeed, from its birth—kept in view, namely, the triumph of democracy.

But the Republic comprised the populace as well as the people; and although both orders were united in fighting the nobles, they split apart as soon as their common victory was assured. Thus the party of the rich burghers, or Greater Guilds, gradually sprang into being. At first there were twelve of these guilds, and they seemed to be at one with the nine Lesser Trades, afterwards increased to fourteen; but, as time went on, these fell more widely apart from the remaining seven, and strictly Greater, Guilds, and began to struggle against them, thus constituting the party of the rich burghers or *popolo grasso.* The formation and successful career of this party, so long at the head of the Government, dates, as Villani tells us, from the defeat of Giano della Bella, whose downfall was caused by the temporary alliance of the nobles and the more powerful section of the people. The latter soon divided both from the nobles and lower class, was equally victorious over either party, and constituted one of the most energetic, sharp-witted, and intelligent democracies of which history has record. It comprised the richest and most vigorous section of the people, known for that reason as the *popolo grasso*, and gradually became master of the city. And albeit this state of things was a natural result of past revolutions, it was undoubtedly precipitated by the Enactments of Justice. These had been promoted by Giano, with the aid of the people, to be used as a weapon against the nobles. He fell a victim to the latter, when they hoodwinked the people by feigning to unite with them for the nonce. It was certainly

altogether against his own will that Giano helped to promote the formation of a party, that, issuing from the wreck of the nobles and populace, finally excluded both alike from all participation in the government of Florence.

For a long time, at any rate, this party raised the power of the Republic to a very lofty height, and directed its policy for more than a century. The moment of its consolidation coincided with that in which Florence became the seat of Italian culture, and hence of the general culture of Europe. Nor is there any cause to be surprised by the vast intellectual, political, and moral success of the commercial democracy of Florence. In the days of the Hohenstauffen, the Italian aristocracy undoubtedly constituted the most cultivated and civilised part of the nation; all great political questions, and the great struggles between the Papacy and the Empire, in which the whole of Europe took so lively a share, were alike carried on by that class. The Court of Frederic II. had been the headquarters of those contests, and the most dazzling centre of mental light in the world at the time. The language spoken there was the language of courtiers; the Court was sceptical, and the first poets were princes or barons. The Emperor Frederic, his son Enzo, and his secretary, Pier della Vigna, gave voice to the first notes of the Italian muse. It was a privileged and limited order, in which literature and science still retained the characteristics of chivalry and scholasticism. In imitation of their French and Provençal masters, these poets lauded some imaginary woman or some fantastic and unreal love in obstinately artificial verse. They were never able to cast off mediæval and conventional forms. At the same time, however, the merchants and working men of our republics, more especially of Florence, were scouring the world, founding banks and business firms throughout the East and the West; they were studying jurisprudence, always

PALACE OF THE PODESTA, FLORENCE, pp. [illegible]



PALACE OF THE PODESTA, FLORENCE, pp. 118-119.

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PALACE OF THE PODESTA, FLORENCE.
DETAIS OF COURTYARD.

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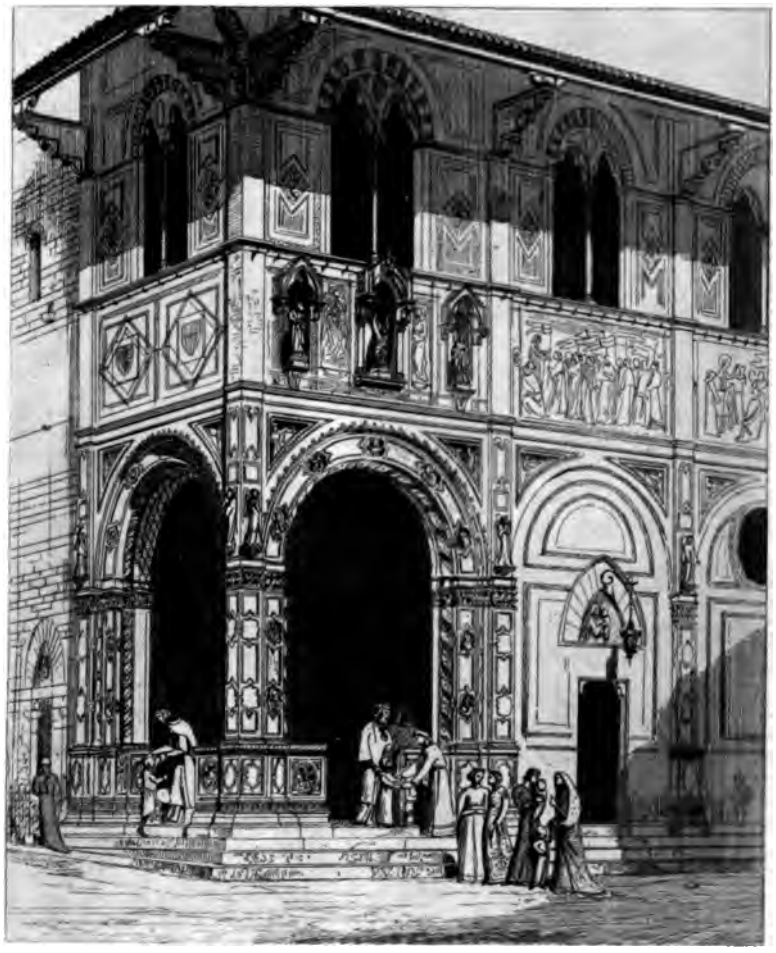
and everywhere demonstrating a special aptitude for framing laws, creating new institutions, and directing vast concerns. By this means they acquired that practical knowledge of mankind and the universe, that sense of truth and reality, so entirely absent from pre-existent literatures, and precisely required to originate the first literature of the modern world.

Naturally, however, those merchants, solely versed in commerce and petty local politics, lacked the breadth and loftiness of thought, the mental culture and refinement needed to solve the hard problem without help. At the same moment, Florence, the most active and intelligent of Italian republics, was enduring the series of great and radical changes, already described, which after much sanguinary strife and a new rearrangement of social conditions, suddenly raised her to a truly fortunate position. Owing to her successes in war, Florence now commanded every highway of commerce, and, by the amazingly rapid extension of her trade, was enabled to acquire mighty and no longer contested preponderance in Tuscany and become its chief as well as its central city. The actual antagonism between the Pope and the Angevins, together with the altered conditions of the Empire, enabled her to steer cautiously between those rival powers and assume for the first time great and genuine political importance in Italy. Thus the extent of her concerns and the circle of her ideas were simultaneously enlarged The two most intelligent and most hostile classes of her citizens, namely: the now powerful traders and the nobles now reduced to equality with them, became transformed and definitely fused in one class during the course of their fierce conflict, excluding, on the one hand, the lowest order of the people, and on the other, those of the nobles who, whether aspiring to absolute rule or obstinately clinging to feudal customs and the authority of the Empire, remained blindly opposed to

municipal institutions which were nevertheless predestined to triumph. Need we then feel surprised if at this moment art and literature put forth their fairest blossoms, and in the life-giving air of freedom were seen to expand their leaves and shed their fragrance through the world? It is enough to read the records and glance at the laws of the Republic in order to discern that in the closing years of the fourteenth century a new spirit was stirring the people and a new sun, as it were, rising in the sky.

Every page of the chronicles records the undertaking of very important public works, the erection of city squares, canals, bridges, and walls. And simultaneously with these, the most enduring monuments of modern art were springing up from the ground. During the same period Arnolfo di Cambio worked on the Baptistery, began the church of Santa Croce, and, according to the chroniclers, received from the Signory a solemnly worded order to reconstruct the old cathedral from the foundations by erecting a new one "of the most magnificent design the mind of man could conceive, rendering it worthy of a heart expanded to much greatness by the union of many spirits in one." [1] Undoubtedly it was then that Arnolfo laid the first stone of the fane considered by many the finest church in the world. At the same time a great number of monumental buildings and public works were being also carried on: Santo Spirito, for instance, Orsammichele, and Santa Maria Novella. In 1299 Arnolfo likewise began the Palace of the Signoria, another marvel of modern architecture, that seems to be so thoroughly in character with the Republic and expressive of the youthful vigour then animating the Florentine people. In the same year the construction of new

[1] This famed decree, quoted in Del Migliore's "Firenze Illustrata" (Florence, Ricci, 1821), vol. i. p. 6, and repeated by numerous writers, is certainly a very beautiful one; but the original document of it has never been discovered, and its diction leads us to infer that at least some changes must have been made in it by a more modern hand.



Loggia del Bigallo, Florence, pp. 120-122.

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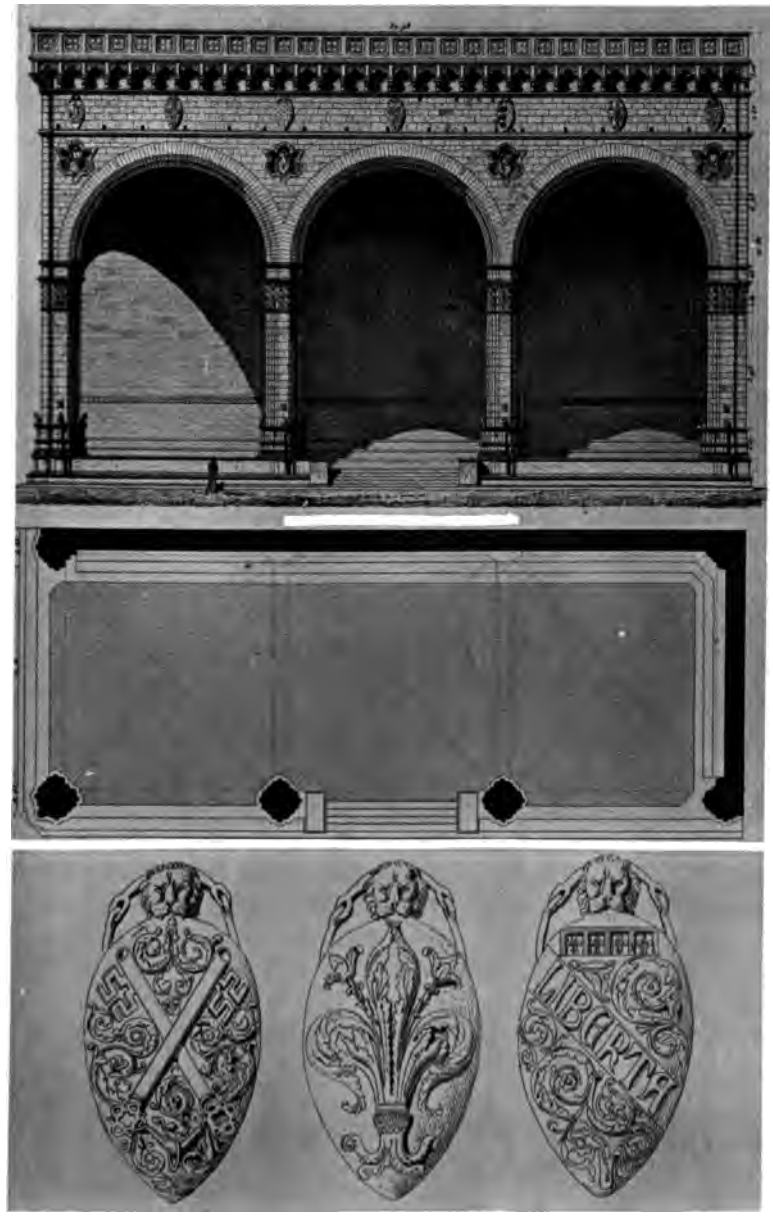

LOGGIA DELLA SIGNORIA, FLORENCE, pp. 120-121.

DOCTORAL THESIS
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walls, suspended since 1285, was also resumed. And while churches, public buildings, and private palaces were rising on all sides, Giotto's brush was employed to cover their walls with a lavish profusion of lofty and immortal compositions; sculpture rivalled painting in decorating temples with imperishable works, and gave birth to the Tuscan school that was afterwards to culminate in Donatello, Ghiberti, the Della Robbia, and Michelangelo. What, too, are the names most frequently occurring in the records of those times, and amid the struggles promoting or following the Enactments of Justice? At every turn, among the Priors, the Gonfaloniers, and ambassadors, or at hot debates in council, we meet with Dante Alighieri, Brunetto Latini, Giovanni Villani, Dino Compagni, and Guido Cavalcanti, the creators of Italian poetry and prose. The Divine Comedy bristles with continual allusions to the events, amid which it was conceived, and which all seem to be informed by the same spirit, since, even in a thousand varying garbs, it always asserts its identity. Therefore the Enactments of Justice are neither the work of a single individual, nor suddenly improvised by Giano della Bella, but rather the outcome of many revolutions: a body of statutes proving and explaining the definite form and character of the Florentine Republic. The same character, albeit less splendidly displayed, appertained in varying degree to the other Italian communes. But of them all Florence was ever the most original and brilliant example.

NOTE TO CHAPTER VIII.

At this point it is necessary to allude to a question that has recently arisen concerning the Enactments of Justice. Signor Salvioli and Prof. Pertile, when describing certain Bolognese statutes of 1271 for keeping the nobles in check, took it for granted that the Floren-

tine enactments of 1293 had been copied from those. But the Bolognese statutes of 1271 having never been unearthed, the hypothesis met with little favour. When Prof. Gaudenzi edited the "Ordinamenta sacrata et sacratissima" of Bologna in 1282–84 (Bologna, the Merlani Press, 1888), he noted their marked resemblance to the Enactments of Justice of 1293, and considered it to be beyond a doubt that the latter had been derived from the former. Indeed, he went to the point of asserting as a fact "Che in genere i rivolgimenti e gli ordini di Firenze non furono che l'imitazione di quelli di Bologna" (Preface, p. v.).

The decided injustice of this last assertion has been already pointed out by Dr. Hartwig, in his recent precious work on Florentine history ("Ein Menschenalter Florentinische Geschichte, 1250–1293" (Freiburg, 1889–91), extracted from vols. i., ii., and v. of the "Deutsche Zeitschrift für Geschichtwissenschaft"). For in truth Florentine laws and institutions issue very directly from the history of Florentine society and Florentine revolutions, which are very different from those of Bologna.

As to the other question, that is, whether the Florentine enactments of 1293 were really derived from the Bologna statutes of 1282, I feel considerable doubt, and believe that no definite solution can be reached until fresh researches in the Florence Archives have corroborated the results of Prof. Gaudenzi's studies of Bolognese documents. Meanwhile I need merely remark — That the people's struggle with the magnates, and the harsh and often cruel laws promulgated against them, were not exclusively confined to Florence, but incidents of very common occurrence in the history of our communes. Notwithstanding many points of general resemblance, these conflicts and laws varied very much in different communes. Hence, in order to prove to what extent the Bolognese enactments served as models for those of Florence, it is not enough to compare the two codes and note their respective dates. As plainly proved by the events we have related, and additionally confirmed by all the later researches of Hartwig, Del Lungo, and Perrens, the Florentine ordinances are found to be a synthesis of other and much earlier laws against the nobles, and sometimes literal reproductions of them. The enactments themselves quote a law of 1286 frequently mentioned by historians, and, as we have seen, even the "Consulte" of 1282 refer to an earlier law against the nobles. These anterior laws are the veritable source of the Florentine enactments, which, however, are not solely designed, like the Bolognese ordinances, for the repression of the nobles, but to promote the transfer of the government to the Greater Guilds, a change already inaugurated in Florence as far back as 1250. It is this double

purpose that constitutes their specific character. It behoves us to unearth more of these laws in the Florence Archives and collate them with those of Bologna before deciding that the Enactments of Justice, so peculiarly connected with the whole course of Florentine history, were mere copies of the Bolognese ordinances. Professor Gaudenzi's publications do honour to his historical research. But I venture to repeat that, in my opinion, the question cannot be really settled without fresh investigation of the Florentine rolls. This task is now being carried on by Signor Salvemini, and I hope that he may make some new and profitable discovery. The problem is interesting enough to claim solution.

DOCUMENTO.[1]

V.

In nomine domini amen. Liber defensionum et excusationum Magnatum Civitatis et comitatus Florentie, qui se excusare volunt a satisdationibus Magnatum non prestandis, receptarum per me Bax. de Amgnetello notarium nobilis Militis domini Amtonii de Fuxiraga de Laude, potestatis Florentie.

In anno currente Millesimo ducentesimo ottuagesimo septimo.

Ad defensionem

Absoluti { Dardoccii quondam domini Uguicionis / Manni fratris sui } de Sachettis producta fuit intentio singnata per Credo (*sic*), et ad ipsam probandam producti fuerunt infradicti testes.

Baldus Brode populi sancti Stephani de Abatia, iuratus die suprascripta de veritate dicenda, et lecta sibi intentione per me Bax., dixit quod bene vidit dictum Dardocium et Mannum eius fratrem facere artem cambii in Civitate Florentie, iam sunt xx anni, et ab eo tempore citra, et credit eos fecisse. Set propter guerram et brigam quam nunc habent, predicti fratres Dardocci non tenent tabulam in mercato, set stat in doma sua, et ibi facet (*sic*) artem canbii. Interrogatus si ipsi palam tenent banchum et tapetum ante dischum domus sue sicut faciunt alii campsores, respondit non, quia est consuetudo prestatorum et non campsorum tenere tapetum. Interrogatus, dixit quod predictus senper cotidie exercuit.

[1] Florence Archives, the Strozzi-Uguccioni Collection, 127. This document was discovered by Signor Salvemini, who has kindly placed it at our disposal.

Lapus Benvenuti qui vocatur Borrectus populi sancti Petri Maioris iuratus die suprascripta (?) ut supra, lecta sibi intentione per Be., dixit quod ipse testis est consocius predictorum Dardoccii et fratris in arte canbii ; et vidit dictum Dardoccium et fratrem dictam artem in civitate Florentie continue [exercere], et predictum Mannum vidit in Borgongna facere dictam artem per decem annos et plus, quibus stetit in Borgongna ; set dixit quod predictus Dardocius[1] propter guerram quam ad presens habet, non audet uti ipsa arte in mercato sive in pubblico, set ea continue utitur in domo sua, et vidit ipse testis ; et vox et fama est in populo dictorum fratrum et in civitate Florentie, quod ipsi fratres fuerunt et sunt campsores.

L. S. Ego Ruffus Guidi notarius predicta ex actibus Communis Florentie exemplando transcripsi, pubblicavi rogatus.

[1] This Daddoccio was admitted into the Money-Changers' Guild on the 14th of December, 1283, and on the 1st of December, 1287, paid his rate as member of the same (Strozzi-Uguccioni Collection, 1283, 14th of December).

CHAPTER IX.[1]

THE FLORENTINE REPUBLIC IN DANTE'S TIME.

I.

FTER the enforcement of the Enactments of Justice (1293) and the expulsion of Giano della Bella, the Florentine Republic passed through a phase of extraordinary and almost delirious confusion. Its incidents are very familiar to us, owing to the splendid series of chroniclers and historians who, from that moment, began to record the minutest particulars of all that occurred under their eyes. Modern writers have also studied that period and ransacked its archives; more especially Professor Del Lungo, who has recently given proofs of an industry and learning which cannot be sufficiently praised. Nevertheless, I believe that some useful work may be done by trying to bring all those facts together and scrutinising their organic unity, in order to ascertain whence they proceeded, whither they tended, and thus explain, if possible, the primary cause of so much disorder and the real significance of the new revolutions undertaken. I may also add that such investigation might prove to have much historical im-

[1] Originally published in the "Nuova Antologia" of Rome, December 1, 1888.

portance, since it concerns the time in which not only a new art, new literature, and new civilisation first sprang into being, but when the old mediæval social order was decaying and fading away, and the society of the Renaissance beginning to take shape.

In the midst of these events the figure of Dante Alighieri stands forth in giant mould, instantaneously arousing the most earnest attention, and enhancing the value of all his surroundings.

As we have frequently observed and repeated, the history of Florence runs a very plain course down to the year 1293, through the series of wars and revolutions, during which the Guelph inhabitants of the city first attacked the Ghibelline feudal lords, who, castled on every surrounding hill, impeded all trade; and then, having conquered them, demolished their strongholds, and forced them to dwell inside the city walls, subject to the laws of the Commune. Next, the people were compelled to combat and break down the surviving feudal element that sought to assert itself in the city. Before the year 1293 this too had been destroyed, and only the *Grandi* were left, namely, nobles stripped of their titles and of the old feudal privileges of their class. The Enactments of Justice, which dissolved their associations and excluded them from all share in the government, had increased, on the other hand, the strength of the guilds and the people. These accordingly were the masters of Florence, and the new law supplied them with a most efficacious means of continuing the persecution and routing the nobles in the tribunals of the State. The terms Guelph and Ghibelline were still retained, but had lost their original meaning. The old aristocracy, constituting the real nucleus of the Ghibelline party, having now disappeared, the city was wholly Guelph. The general condition of Italy also fostered this state of

things. In fact, owing to the fall of the Hohenstauffens and the success of the Angevins, summoned to Italy by the Pope, the Guelph party had triumphed throughout the Peninsula. The murder of Conradin (1268) had proved the death knell of the Ghibellines.

The triumph of France was more and more assured, and during the interregnum of the Empire Philip the Beautiful played almost the part of an emperor. At the same time Boniface VIII. loudly declared that the Pope stood above all kings and princes of the earth, and that all were bound to yield him submission.

But division still reigned in Florence. First of all, germs of future discord were lurking in the bosom of the people itself, owing to its subdivision into rich people (*popolo grasso*), or the Greater Guilds, and small people (*popolo minuto*), or Lesser Guilds, having the populace at their back. The Greater Guilds, at the head of the principal manufacturing business and the vast export and import trade, were always ready to undertake fresh wars, which, by burdening the city with taxes, greatly diminished the internal luxury upon which the Lesser Guilds, engaged in small crafts, depended for their daily support. It needed little to convert this clash of material interests into a political conflict, especially when we remember that the Greater Guilds had taken possession of the government without allowing the Smaller Crafts any share in it. For the moment, however, the lower class, although so turbulent and numerically strong, lacked cohesion and experience, and had no leading men at its head. But although without real elements of political strength, and still incapable of forming a party, it was excellently suited to swell the ranks of already constituted parties having the wit to use its aid in their progress to power.

The nobles, on the other hand, although defeated, persecuted, and oppressed, were by no means stamped out, and

still retained some measure of influence and skill. The expulsion of Giano della Bella was an instance in point; for, by contriving to make the people believe him its foe, they induced it to desert him and then provoked the mob to attack him. Although deprived of legal authority, the nobles were still practically strong. Always boasting of their victory of Campaldino, they had undoubtedly played a prominent part in all the greater wars of the Republic in past times, and even now made far better soldiers than the popular class. As the wealthy proprietors of town and country mansions, castles, and farms, they were undistracted by commercial cares, and had more leisure for military pursuits; while the material independence they enjoyed made them all the more sensitive to the sting of political ambition. It was natural that they should seek and obtain the co-operation of the populace in their contest with the burghers. Thus, in junction with the former, they constituted a vast and dangerous body of agitators, but without organic cohesion, and all equally ineligible to office, inasmuch as the nobles had been excluded from power in 1293, and the populace had never been allowed any share of it.

II.

At this time the world began to perceive what results the subtle craft of the Florentines was capable of achieving. The art of secretly becoming masters of the State, that, at a later period, gave Cosimo and Lorenzo dei Medici such triumphant supremacy in the Republic, enabling them to hold sovereign rule while remaining private citizens in the eyes of the law, this art was now discovered by the nobles. It consisted in leaving republican institutions untouched, and showing no desire

to be concerned in them, yet contriving that none save personal adherents should be admitted to power. The offices of the Guelph Society afforded an efficacious means to this end, for, as we know, the nobles were eligible to those offices, and when holding them could declare any citizen a Ghibelline, confiscate his property, and exclude him from the government at their own pleasure. Thus, without being members of the Signory, they had found a more or less legal method of preventing their worst enemies from entering it. Giano della Bella was fully awake to this danger, and had tried to avert it; but the nobles had frustrated his purpose by compassing his expulsion from the city.

As another useful means of regaining their forfeited power, the nobles managed to obtain the right of choosing the magistrates, in order to exercise a personal influence over them. Many of the magistrates were foreigners who came provided with foreign notaries, chancellors, and subordinate judges, while certain others, as, for instance, the Podestà and the Captain of the People, were necessarily bound to be knights—that is to say, nobles. They gave judgment in political as well as civil and criminal cases. In fact it was the function of the Podestà and Captain, in junction with the Gonfalonier, to enforce the enactments; and besides this, political and common law were so intermixed at the time, that it was impossible to separate the one from the other. Originally, as we have already seen, the Podestà was the virtual head of the Commune. He commanded the army, signed treaties of peace; and even as ancient historians recorded Roman events in the name of the Consuls in office, so the Florentine chroniclers registered the events of their city first under the name of its Consuls, and then under that of the Podestà. But towards the close of the thirteenth century things were changed. With the destroyal of feudalism, the develop-

ment of civil equality and increased recognition of Roman law, the political importance of those offices was lessened. The Podestà and Captains of the People were gradually lowered to the status of ordinary high judges. Hence both they and their subordinates steadily declined in authority and strength; and being worse paid and less feared, became more open to bribery, and more easily subjected to the influence of the nobles. Many of these officers came from Romagna, and the Marches, and the greater number from Gubbio. Reared under tyrannical governments and trained to Roman law in the school of Bologna, they had no previous knowledge of the real significance of party conflicts in Florence, and seldom succeeded in acquiring it; hence they also failed to discern the true meaning of laws such as the Enactments of Justice, which were mainly political laws. All this contributed to render them easily and blindly subservient to those desiring to use them as tools. In fact, the whole literature of the period teems with fierce invectives against "the wicked, accursed, and perverted judges bringing ruin upon cities." [1]

[1] Many just observations and important notes on this subject are to be found in L. Chiapelli's work, "L'Amministrazione della Giustizia in Firenze" ("Arch. Stor. It.," Series iv., vol. xv. p. 35 and fol.); and Francesco Novati's "La Giovinezza di Coluccio Salutati" (Turin, Loescher, 1888, chap. iii. p. 66 and fol.). But in my opinion both writers have devoted all their acuteness and learning to proving the corrupt state of justice at the time, without dwelling on the origin of that corruption and its notable increase during the fourteenth century. Its origin should, I think, be sought in the changed conditions of the Podestà, Captains of the People, chancellors, notaries, judges, &c. What was said of judges in the fourteenth century, certainly could not have applied to those of the times of Piero della Vigna, Rolandino dei Passeggieri, or of the numerous mediæval Podestà wielding so much power, that they tried, and often with success, to become absolute tyrants of the communes. These were not men to act as blind tools of others' party passions; on the contrary, they strove for their own ends alone. It may have been owing to the political decline of the Podestà's office, and to his consequent inclination to serve party strife, that, dating from 1290, his term of power was reduced from one year to six months (*vide* Ammirato, *ad annum*). Naturally the Captain's term also had to be similarly shortened.

Thus by favour of the lower class and the mob, by the unjust verdicts of the Captains of the Guelph Society and the corruption of alien judges, the nobles endeavoured to regain their lost ground and again seize possession of the government. Nor was it an altogether impossible plan, seeing that at this moment (as will be presently shown) they received powerful foreign aid. But unity was indispensably required, and no unity was to be secured among a party composed of not only different, but heterogeneous elements. Accordingly it was already easy to foresee that, sooner or later, the fiercest discord must inevitably break out in their midst.

Dino Compagni remarks in his Chronicle, that "the powerful citizens were not all nobles by birth, but were sometimes styled *Grandi* for other reasons." [1] The *Grandi*, in fact, were composed of ancient aristocratic families, despoiled of feudal privileges and titles; of old-established burghers raised to a higher position on the score of their wealth and of those proclaimed *Grandi* by the people for the sole purpose of subjecting them to the penalty of exclusion from power. Naturally the old aristocracy were full of distrust and contempt for new-comers, who often continued (if not personally, by means of their kinsmen) to carry on trades and manufactures, and thus maintain their relations with the rich burghers opposed to the lower classes, whereas the latter were more in sympathy with the really influential and aristocratic section of the *Grandi*. Nor was this all. The latter party likewise comprised country nobles, such as the Ubertini, the Pazzi of Valdarno, and more particularly the Ubaldini owning nearly the whole of the Mugello and dominating it with their fortified castles. The fortress of Montaccenico, one of their main strongholds, guarded by a triple circuit of walls, had been founded by the Cardinal Ottavio degli Ubaldini, who

[1] "Cronica," i. 13, p. 57

has a place in Dante's "Inferno," and who once said, "If I ever had a soul, I have lost it, for the sake of the Ghibelline cause." All these territorial lords clung to their feudal traditions with far greater tenacity than the rest, and being very hostile to the people, were equally opposed to the Republic, which was always at strife with them. When residing in the city they were undoubtedly compelled, like the others, to obey the common laws; but in their own castles they and their kindred still asserted the rights of feudal barons.

In order to sap the strength of the Pazzi and Ubertini, the Florentines, in 1296, established the two colonies of San Giovanni and Castelfranco between Figline and Montevarchi in the Upper Valdarno. All adherents of the nobles willing to settle on these domains were freed from vassalage and exempted from taxation for ten years.[1] But measures of this kind would have been useless against the Ubaldini, and prolonged and sanguinary hostilities had to be engaged with them. By logical rule these territorial lords should have been Ghibellines and imperialists; but the Empire was now distant and feeble, France and the Pope were menacing close at hand. Accordingly they rather tended to combine with the Guelph nobles of Florence, and more particularly with those of ancient descent, thus forming a new element in that curious agglomeration of diverse forces. Also, seeing that private jealousies and hates are always readier to burst into flame when unrestrained by the organic unity and common interest of a well-organised party, it will be easy to understand what confusion and disorder prevailed.

[1] G. Villani, viii. 17.

III.

Notwithstanding the powerful support of one kind or another furnished to the nobles from abroad, and in spite of their really menacing attitude, there remained one inexorable truth that must be always kept in view, since it affords the best explanation of this phase of Florentine history. It consisted in the fact that the aristocratic faction, doomed to decay and dissolution, was confronted by the young and vigorous party united in the Greater Guilds, bound by common interests, and constituting the real motive power and future of the Commune. The history of those times is nothing more, in short, than the history of the process by which the Greater Guilds succeeded in becoming the very core of the Republic, in spite of the numerous obstacles in their path, and likewise succeeded in eliminating all hostile or alien elements. For some time past these guilds, and especially the first five, on which all the others were more or less dependent,[1] had been prospering to an extraordinary degree. And when their position was farther strengthened by the Enactments of Justice, their statutes, with the amendments then introduced, very clearly showed that in augmenting their own wealth they purposed not only to enrich the Republic, but also to heighten its power. Before long the five leading guilds jointly constituted an *Universitas Mercatorum* that rose to the authority of a regular commercial tribunal in 1308, and issued a definite set of statutes in 1312. Indeed all this may be considered the main part

[1] The Calimala, or Guild of Dressers, Finers and Dyers of foreign woollen stuffs; the Changers or Bankers, the Guild of Wool; the Porta Sta Maria, or Silk Guild; lastly, the Guild of Physicians, Druggists, and Mercers, with whom the Painters were also joined. Dante Alighieri was a member of this guild.

of the reforms promoted by Giano della Bella,[1] and the price on which, favored by the conditions of the period, he was most successful. We have the best proof of this in the fact that incessant party strife notwithstanding, the prosperity of Florence increased, at that time, to a positively prodigious extent. Villani repeatedly alludes to this state of prosperity and general well-being, adding that continual festivities were then held in Florence, and that the Republic could call to arms as many as 30,000 men in the city, and 70,000 in the territory.[2] What was of still greater moment, its bankers manipulated the chief trade of the world, and flooded all markets with Florentine goods. They conducted the affairs of the Roman Curia; they managed nearly the whole commerce of France and Southern Italy; all the sovereigns of Europe came to these bankers for aid, and frequently employed keen-witted, enterprising Florentines in their mints, their treasuries, and their embassies. Thus money flowed into the city from all sides; and it was at this moment, so it is said, that Boniface VIII., giving audience to the ambassadors of various powers, and finding to his surprise that all of them were Florentines, cried out, "You Florentines must be the fifth element!" As a natural result of this state of things the petty Republic became a first-class power, wielding everywhere, and over Italy in particular, a preponderating influence. All neighbouring cities, great and small, tried to copy the laws and institutions they deemed the source of its amazing prosperity. Even Rome herself

[1] Lastig, "Entwicklungswege und Quellen des Handelsrechts," Stuttgart, Enke, 1877, p. 251 and fol. Among many other just observations, the author notes that the enactments fixed the number of the guilds at twenty-one, that this number remained unchanged from that time, and that in the statutes of the guilds, the year 1293 is continually referred to as their "normal year," "wiederholt geradezu als Normaljahr" (p. 244). *Vide* also p. 267 and fol.

[2] Villani, bk. viii. chaps. 2 and 39.

seemed desirous to organise her magistracies, councils, and Commune on the Florentine pattern.[1]

It was this that most irritated the Popes in their perpetual struggle with the Roman municipality, and now specially irritated Boniface VIII., who seemed determined to crush the Commune. But he was strenuously opposed by the nobility and people, who gave him no truce, and drove him to wander, almost a fugitive, from town to town. Of haughty temper and boundless ambition, his conception of the papal authority rose to the height of craving universal rule. Hence he could not be resigned to the stubbornness of the Romans, and still less to the example and encouragement afforded them by Florence. He therefore conceived the plan of subduing the latter city and reducing it almost to the condition of a fief of the Church, under a governor of his own choice. Having once formed this scheme, he began to prosecute it with his customary ardour. There was certainly a good chance of success, save for one insurmountable obstacle that he omitted to take into account. The chance in his favour was the fact that Florence, being now a republic of traders, had small means of offering armed resistance. The army of 100,000 men, so proudly enumerated by Villani, consisted of a species of national guard of artisans and peasants having the barest smattering of military training, with no officers and no generals fitted to take command. It comprised no mounted troops, since nobles alone could find time for the requisite cavalry training. The Commune naturally feared to place any trust in the nobles of the town, while those of the territory were avowedly hostile. The Companies of Adventure, afterwards open to hire, had not yet begun to be established. Nevertheless, an army was needed,

[1] *Vide* "Il Comune di Roma nel Medio Evo," in my "Saggi Storici e Critici," Bologna, Zanichelli, 1890.

and, moreover, one commanded by competent leaders, if the Republic wished to preserve its authority in Italy, and protect its trade from the growing jealousy of its neighbours. This was the reason formerly inducing its rash acceptance of Vicars nominated by the Popes, and that had also induced it to confer supremacy for ten years on Charles of Anjou, who had accordingly supplied the State with captains and soldiery. Why should not Boniface be able to clench a similar bargain on even more effective and permanent terms? The Republic's need of a military leader was as urgent, nay, more urgent than before; while the consent and support of the nobles might be considered assured. But the insurmountable obstacle, unforeseen by the Pope, was that the Florentines had always wanted and still wanted defenders, but refused to have rulers; nor would it be easy to induce them to yield this point, either by craft or persuasion. The subject on which they were most tenacious, and would never give way, was the popular government of the guilds, and this government would have to be destroyed or reduced to submission before the Pope's scheme could be carried into effect.

The task certainly had its difficulties. In fact, the problem could only be solved by force, and Boniface was not the man to shrink from employing it; hence collision was unavoidable. As an additional complication, the Republic, about to bear the brunt of the Pope's fury, was thoroughly and determinately Guelph, not only Guelph from sentiment or by force of old traditions, but even more from motives of interest. In fact it had risen to existence by centuries of struggle with powerful Ghibellines and aristocrats, and had finally built up the government of the guilds on the ruins of those adversaries' strength, and greatly assisted therein by the success of the Angevins summoned to Italy by the Popes. The

chief trade of the Republic, and main source of its vitality and power, was that carried on with France, with Southern Italy—now held by the Angevins—and with Rome. Hence it could not entertain the idea of rousing the enmity of the French king, Pope, and Angevins, who were all allied at the time. Besides, the Ghibelline party in Tuscany was then represented by all the cities hostile to Florence. Sienna, Arezzo, and Pistoia inclined more or less openly to the Ghibelline side. The Pisan Republic, which had so zealously assisted Conradin's cause, still flaunted the Ghibelline flag. This State was in perpetual rivalry with Florence, and sought to bar her from access to the sea, the command of which was now more pressingly needed than before. The strife between these republics could only end in the annihilation of the one or the other. Therefore the Florentines were compelled to keep on good terms with the Pope, yet at the same time forced into opposition against him. In this condition of affairs all will understand why Florentine history should be so complicated and obscure.

IV.

After the expulsion of Giano della Bella, the nobles seemed again masters of the city for a time; and their spirits were immoderately raised by their success in procuring the election of a Signory (June 15, 1295) exclusively composed of their own friends. By the beginning of July they had concerted their plans, and repaired to the Piazza armed for the fray. But the people were already gathered there and in superior force, so that civil war would have instantly broken out had not certain friars and citizens intervened, and fortunately contrived to pacify the public excitement. Nevertheless, the Signory being favourable to the nobles, determined to turn the

opportunity to account, and on July 6, 1295, managed to get the Bill passed that, as we have previously related, was incorporated in the enactments for the purpose of modifying them and considerably attenuating their severity.[1]

Some of these modifications were of a purely formal kind, but others encroached on the substance of the law. As the enactments now stood, accomplices in the offences decreed punishable were no longer classed with the direct authors of crimes, a single *Capitanus homicidii* now being recognised. Nor was the testimony of two witnesses of good repute any longer considered sufficient proof of the crime, the testimony of three witnesses now being required. Finally it was no longer indispensable that candidates to the Signory should be practically engaged in some trade, *continue artem exercentes*; their enrolment in the guild of the trade being decreed sufficient proof of their eligibility, *qui scripti sint in libro seu matricola alicuius artis.* This last concession was, in fact, slighter than it appeared, seeing that even before then the *practical* exercise of trade had been more often apparent than real. But the principle for which men had fought was now cast aside, and putting together the various concessions granted in 1295, we plainly see that the amendment of the law was a genuine victory for the nobles. In fact the popular discontent ran high at the passing of this Bill, and Villani tells us that the Signory who had proposed and carried it were treated with much contumely and scorn on leaving office, and even greeted with volleys of stones in the public streets.[2] Accordingly a popular reaction ensued that proved to be the germ of new and serious discord among the citizens. The first step taken was to

[1] Villani, viii. 12. *Vide* also the Provision of July 6, 1295, that has been previously quoted.
[2] Villani, viii. 12.

deprive the nobles of certain of their weapons; the next to proclaim some of the less factious aristocrats members of the popular class, in order to weaken their party.[1] Besides this, fresh laws were soon decreed to restore the pristine force of the enactments, followed by other measures of the same kind, culminating in the creation of a new magistrate for the express purpose, as will be seen, of ensuring the strict fulfilment of the law. But it was impossible for these changes to be effected without fresh discord and bloodshed in the city.

For there was not only fiercer strife just then between the nobles and the people, but the former now split into two divisions, formed respectively of those bent on doing away with the enactments, and those who had renounced that idea. These new factions were designated by the names of the two families acting as leaders, namely, the Donati and the Cerchi. The latter were of humble origin, but had made their way up and were now counted among the richest merchants in the world. They boasted a wide-spreading kindred, numerous friends, owned vast estates both in town and country, and lived in grand style. They had recently purchased many palaces of the Counts Guidi, members of the oldest Florentine nobility; and by lending their houses at St. Procolo to the Signory, to whom no palace had yet been assigned, were more easily enabled to keep in favour with the heads of the State. Villani, being of the opposite party, says that the Cerchi were "easy-going, innocent, and savage." They were, in fact, business folk, unpractised in warfare, and with small aptitude for political intrigue. The term "savage" was applied to them on account of their humble descent, and Dante himself, though an adherent of their party,

[1] Del Lungo, "Dino Compagni e la sua Cronica," i. p. 162. The author believes that Dante Alighieri may have been one of the nobles proclaimed men of the people.

speaks of it as "savage" (*selvaggia*). In virtue of their origin and continued practice of trade, they were liked and esteemed by the people, and their avowed opposition to the Donati[1] won them still higher favour. Besides the advantages of wealth and of wide-spreading family ties, their courtesy of manner helped to advance their popularity.

On the contrary, the "gentle-born and warlike" Donati, as Villani calls them, were of old feudal descent. Messer Corso, the head of the family, was a daring, shrewd, hard-hitting man, of moderate means, but so immoderately haughty and ambitious as to tolerate no equals, and least of all among the enriched merchants. He was known as the baron, and Compagni, who was on the Cerchi side, says that whenever Corso rode through the streets, "he seemed the lord of the earth" ("*che la terra fosse sua*"). Many magnates of the city, many nobles of the territory, and particularly the Pazzi of the Upper Valdarno, considered him their leader. Some of the merchants also adhered to him, and among others the Spini, who owned a bank in Rome, and as business agents for the Pope and the Curia, drove a very profitable trade. This Donati faction was detested by the burghers, but in favour with the populace, who greeted the baron with shouts of applause as he passed through the streets. But although Corso's courage and subtlety stood him in good stead during the struggle now impending, his arrogance alienated many followers and disposed them to join the Cerchi. The Cavalcanti were among his opponents, and that graceful poet and valorous knight, young Guido

[1] The chroniclers have much to relate on this subject. Compagni says (pp. 86–7) that the Cerchi "made friends with the people and the rulers;" farther on he remarks that "all holding the views of Giano della Bella gathered round them" (the Cerchi) (p. 106). Stefani (iv. p. 220) states that the people "adhered to the Cerchi from party spirit, and chiefly because they were merchants."

Cavalcanti, had conceived so special and deadly a hatred for him that the two never met in the streets without drawing their swords. The Donati's influence in the city was chiefly owed to the favour of the captains of the party, while that of the Cerchi was maintained by the support of the Signory. Thus the palace of the Guelph Society and of the Priors became the headquarters, as it were, of the two opposing camps. The two families likewise owned neighbouring estates in the country and dwelt near each other in town. Their respective houses were situated in the St. Piero quarter or *sesto* of the city, which, on account of the continual disturbances occurring there at the time, was known by the name of "The Scandalous Sesto" (*Sesto dello Scandalo*). Everything served as fuel to the flame. Words uttered by either party were reported and exaggerated to the other. How Corso Donati always spoke of Guido Cavalcanti as Guido Cavicchia; how, when alluding to the head of the family and party chief, Vieri de' Cerchi, he would ask, "Has the ass of Porta brayed to-day?" On the other hand, the Donati were styled by their adversaries "The Ill-famed," as being men of bad repute and doers of evil.

It is not easy to exactly ascertain how and when these parties first became known as *Bianchi* and *Neri*, for the chroniclers are rather vague and not altogether agreed upon the point. Both names were of old usage in Florence as distinctive family appellations; in fact, there had already been White Cerchi and Black Cerchi, but the latter afterwards became the chiefs of the White party.[1] The same names had then been employed to designate two opposite factions of the Cancellieri house waging fierce strife in Pistoia. The Florentines, who exercised great authority in that town, mediated between the two

[1] Professor Del Lungo supplies special information on this subject in several passages of his work.

sides to bring them to make peace; and to achieve this intent sent some members of the Pistoian, Bianchi, and Neri to Florence. The Whites were quartered in the Frescobaldi palace, the Blacks in the house of certain Cerchi, to whom they were related. But this measure had a very unexpected result, for, as Villani [1] remarks, even as one sick sheep infects another with disease, so the Pistoians communicated their party hatred to the Florentines, who thus became increasingly divided. At all events, from that time the Donati were Blacks, the Cerchi Whites.

Hence it may be clearly seen that this division of parties no longer corresponds with that of the Guelphs and Ghibellines. Principles are set aside and personal passions and hatreds more and more dominant. But, in the nature of things, no Florentine family at the time could have a better claim to be entitled Ghibellines than the Donati, a line boasting feudal descent, and connected with the oldest nobility of the city and its territory. The head of the house was Messer Corso, who, after the death of his first wife, contracted a second marriage with one of the Ubertini, an old Ghibelline family that had been always opposed to the popular government, and seemed to have the very blood of the tyrants of Romagna and Lombardy in its veins. Yet it was principally through Corso Donati that events again took another unexpected turn. Spurred by his devouring ambition, he started a secret intrigue with Boniface VIII. through his Roman agents, the Spini, and the Pope believed that at last he had found a man after his own heart.[2] And before very long these secret practices produced visible results.

[1] Villani, viii. 38.

[2] The aims of Pope Boniface and his plots with the Blacks have been placed in a new light by the careful researches of Signor Guido Levi and the documents discovered by him. *Vide* his excellent work, "Bonifazio

V.

The Pope's purpose of exercising undue interference in Florentine affairs was plainly seen when the question was discussed as to revoking the banishment of Giano della Bella. Though without any lawful voice in the matter, he not only made violent opposition to the proposal, but also, on January 23, 1296, addressed a letter to the Florentines, threatening them with interdict, unless they abandoned the idea.[1] No one, however, was yet aware that he had already formed a scheme, and was secretly plotting to carry it into effect; nor did any one imagine that *Papa Bonifacius volebat sibi dari totam Tusciam*,[2] although this was afterwards ascertained to be the case, and written proof of it is extant in an old document that serves to explain his real aims.[3] These were also formulated clearly enough by the chronicler Ferreto, when he wrote that Boniface meditated "faesulanum popolum iugo supprimere, et sic Thusciam ipsam, servire desuetam, tyrannico more comprehendere."[4] In fact, in May, 1300, the Pope had already sent word to the Duke of Saxony that the Tuscan factions having infected his own States, it was impossible for him to achieve any result without first reducing Tuscany to subjection. And he continued that although able to do this on his own authority, he nevertheless preferred to gain the consent of the electoral

VIII. e la sue Relazioni col Comune di Firenze," first published in vol iv. of the "Archivio Storico della Società Romana di Storia Patria," and subsequently in separate form. Rome, Forzani, 1882. My quotations are taken from the latter.

[1] Levi, Doc. i.

[2] *Vide* Ficker, "Forschungen," iv. n. 499, p. 506; Levi, p. 49.

[3] The words quoted above form the heading of a copy of the document mentioned by Signor Levi (p. 49, note 2), and were taken as a motto for his work.

[4] Levi gives the whole passage at p. 51, note 2.

princes, and likewise that of Albert of Austria, king of the Romans, to whom he forwarded a minute of the act of renunciation.[1] Donati, being privy to the scheme, had hastened to assume the attitude of the most Guelph of all Guelphs, and denounce the Cerchi as Ghibellines. Consequently all who distrusted the Pope were increasingly willing to join the Cerchi side.

Suddenly Florence was startled by receiving well certified news of the clandestine intrigues Donati was carrying on in Rome through the agency of the Spini. Messer Lapo Salterelli, an advocate of much skill but doubtful integrity, and always ready to go with the tide, came before the magistrates accompanied by two personal friends,[2] and publicly accused of treasonable attempts against the State three Florentines domiciled in Rome at Spini's bank, three "mercatores Romanam Curiam sequentes."[3] Corso Donati was not in Florence at the time, but at Massa Trabaria, a city in the States of the Church and close to the Tuscan frontier, where he had just been appointed rector by the Pope, a circumstance that heightened suspicion, and made the danger appear all the more serious and imminent. Determined to be on the alert, without giving undue provocation to the Pope, the magistrates immediately sentenced the three citizens in question to pay heavy fines, but awaited fresh intelligence before proceeding against all the other persons undoubtedly concerned in the plot. To allay the suspicions roused against him, the Pope should have now maintained a prudent silence, but his impetuous nature

[1] Levi, pp. 48, 49, and Doc. iii.

[2] Bondone Gherardi and Lippo, son of Ranuccio del Becca.

[3] Levi, pp. 39, 40. According to a letter of the Pope, published by Signor Levi, in Doc. iv., the three persons accused were: "Simonem Gherardi familiarem nostrum, nostræque Cameræ mercatorem; Cambium de Sexto procuratorem in audientia nostra; Noffum de Quintavallis, qui tunc ad Curiam nostram accesserat."

brooked no restraint. Therefore, giving vent to his fury, he wrote on April 24, 1300, threatening excommunication on the city for daring to sentence *his own familiars*, and summoned the three accusers to come to Rome without delay.[1] He gained nothing by this move—on the contrary, Lapo Salterelli, having just been elected a prior, raised the question of jurisdiction by denying his right of interference with the internal affairs of the Republic. Meanwhile Boniface had called Vieri de' Cerchi to Rome, for the purpose of inducing him to make peace with Donati, who had already arrived there. But Cerchi, without betraying any knowledge of the trial, merely declared that he bore no hatred to any man, and alleging other vague excuses, declined the proposed reconciliation, thus stirring the Pope's wrath to the highest degree.[2] It was naturally very important for him to pacify the nobles, since this was the only means of compassing the subjection of the people. But precisely on that account the people preferred to keep them divided, and therefore throwing its weight on the side of the Cerchi, vehemently urged the latter to oppose the Donati.

VI.

Such was the state of public feeling on the day known to some as the fatal May Kalend. According to an old custom, the maidens of Florence greeted the coming of spring in the year 1300 by performing a dance in the Sta Trinità Square. Crowds flocked to the spot, struggling for a better sight of the festivity. Certain youths on horseback, both of the Bianchi and Neri factions, came into collision while pressing to the front. Hot words

[1] Levi, Doc. ii. [2] Ibid. p. 66.

were exchanged followed by blows, swords flashed out, and many wounds were inflicted. Ricoverino de' Cerchi had his nose slashed off, an injury naturally demanding mortal revenge. So, in the same way that the Buondelmonti tragedy was declared by the chroniclers to have given birth to the Guelph and Ghibelline factions, this May-day festival was now considered by others to be the origin of the White and Black factions.[1] Yet this, too, was only the sudden outburst of long repressed passions, now raised to boiling point by the plots of the Pope. In consequence of these disturbances, the councils immediately passed a decree (4th of May), granting the Signory full powers to reduce the city to order; to enforce the Enactments of Justice; to guard "the ancient, customary, and continued independence of the Florentine Commune and people, in present danger of being changed to servitude by many perilous innovations *tam introrsum, quam etiam de foris venientes.*"[2] The concluding words clearly referred to Boniface, and accordingly on the 15th of May the Pope despatched from Anagni a most violent letter to the bishop and the inquisitor of Florence. He made complaint against those "children of iniquity who, in order to turn the people from their submission to the Keys of St. Peter, were spreading the rumour that he sought to deprive the city of its power of jurisdiction, and diminish its independence, whereas, on the contrary, he wished to enlarge its freedom." But he then proceeded to cry: "Is not the Pontiff supreme lord over all, and particularly over Florence, which for special reasons is bound to be subject to him? Do not emperors and kings of the Romans yield submission to us, yet are they not superior to Florence? During the vacancy of the Imperial throne, did not the Holy See appoint King Charles of Anjou

[1] Villani, too, compares it with the Buondelmonti affair (viii. 39).
[2] Levi, p. 42; Dino Compagni, "Cronica," i., xxii., note 9.

Vicar-general of Tuscany? Was he not recognised as such by yourselves? The Empire is now vacant, inasmuch as the Holy See has not yet confirmed the election of the noble Albert of Austria." And thus, in a rising *crescendo*, he threatened the Florentines that, failing obedience, "he would not only launch his interdict and excommunication against them, but inflict the utmost injury on their citizens and merchants, cause their property to be pillaged and confiscated in all parts of the world and release all their debtors from the duty of payment." He again inveighed against the three audacious informers, vowing to have them treated and punished as heretics, and wrote with special acrimony of Lapo Salterelli for having dared to declare that the Pope had no right to meddle with the tribunals of the Commune. And he wound up by insisting that the sentence on his three familiars should be annulled.[1]

The Florentines refused to heed his words, and the Neri then began to feel anxious, dreading lest the White, or, as they already called it, the Ghibelline party, "should be exalted in Florence, which, under pretence of good government, already wore a Ghibelline aspect."[2] They accordingly induced the Pope to send the Cardinal of Acquasparta to arrange the pacification of the nobles. The Cardinal arrived at the beginning of June, at once requested full powers to conclude the agreement, and likewise proposed that the Signory should be chosen by lot, in order to avert the disturbances always accompanying their election.[3] The Florentines lavished verbal promises on him, but refused to invest him with the desired Balìa. Previous experience had warned them that peace between the nobles meant "ruin to the people," and a fresh proof to this effect was afforded at the moment. In fact, the Cardinal had barely begun

[1] G. Levi, Doc. iv. [2] Villani, viii. 40. [3] Ibid. viii. 40.

to dispose the nobles towards reconciliation, than they rose to arms, and on St. John's Eve (23rd of June), almost under the Cardinal's eyes, made a violent assault on the Consuls of the Guilds, who were bearing offerings to the shrine of the saint, and shouted while raining blows on them: "We are the men that routed the foe at Campaldino, yet you have driven us from office and power in our own city."[1] So enormous an outrage demanded heavy punishment, and as the Signory was then composed of burghers of the White party, including Dante Alighieri, it exiled several nobles of either side within twenty-four hours.[2]

The Bianchi promptly obeyed the decree and withdrew to Sarzana; but the Neri rebelled against it, and only when threatened with worse chastisement, removed to Castel della Pieve in the Perugian territory. It was said that they had ventured to resist because they had the Cardinal's permission to await help from Lucca, which after all was never sent. And it was added that this succour was withheld because the Florentines, gaining some inkling of the scheme, had prepared for defence, and advised Lucca to that effect. Whether this were true or false, it is an ascertained fact that the public wrath was so hot against the Cardinal, that the people aimed their crossbows at the windows of the bishop's palace where he was lodged. One of the bolts actually struck the beam of his ceiling, and so greatly alarmed him, that after first removing to another house he took his departure, leaving the city under interdict and excommunication.[3] Nevertheless, animosity and

[1] Dino Compagni, i. pp. 96–7.

Prof. Del Lungo, with his usual careful research, notes that all the exiled were Grandi. Levi, in repeating the remark (at p. 59), considers this a singular fact, "seeing that the evil germs of discord had then spread through the mass of the citizens." Yet the fact seems easily accounted for by the circumstances related above.

[3] Villani, viii. 40; Compagni, i. 21.

riot continued to prevail; and before long the exiled Bianchi were permitted to return. This indulgence was accorded them, partly because the climate of Sarzana was so unhealthy that Guido Cavalcanti contracted an illness there, of which he subsequently died, but partly too because the Bianchi nobles were on far better terms with the people. The Neri, on the contrary, joined more actively than before in the Pope's plots, and seconded by the Captains of the Party, conspired for the purpose of trying conclusions by force.

Meanwhile Boniface was pressingly urging Charles of Valois, the king's brother, to march into Tuscany from France, and had already solicited aid from Charles II. of Anjou in his struggle against the Sicilians. The Valois was an enterprising and cruel leader. During the Gascon campaign of 1294 he had hung sixty citizens, and slaughtered the inhabitants of Rèole after they had laid down their arms. He had fought in Flanders at the beginning of the year 1300, and after capturing various cities, had compelled the reigning Count to open to him the gates of Ghent. Then, after swearing in the name of the king to restore his States, he nevertheless sent him to Paris, and in violation of the oath he had taken, annexed the county to France.[1] This was the man now summoned to Florence by the Pope. To induce him to come promptly and with good will, the Pope even dazzled him with hopes of the imperial crown. In any case, by right of the authority he asserted during the interregnum, he would appoint him vicar-general and peacemaker in Tuscany, "to enforce the execution of his purpose there."[2] In what that purpose consisted, even Villani, who was on his side, admits that Boniface intended "to crush the

[1] Perrens, "Histoire de Florence," vol. iii. p. 31.
[2] Villani, viii. 43.

people and the Whites."[1] Accordingly the Blacks now displayed great activity, with the aid of their adherents in town and country. They held various meetings, of which the most notorious and turbulent was that assembled in June at Santa Trinità, for the purpose of urging the Pope to send Charles of Valois to straighten their affairs, and declaring that, for their own part, they were ready to join him at any cost.[2] Naturally all this could not be kept secret, and in fact the Signory immediately sentenced the conspirators to various penalties. Messer Corso, being absent, was condemned in contumacy to confiscation as well as personal punishment; some of the Blacks were relegated to a fixed domicile; others mulcted in 2,000 lire each, and even their friends at Pistoia expelled from that city, for the greater enfeeblement of the party.

Meanwhile Charles of Valois marched across the Alps and the same summer was already in occupation of Parma "cum magno arnese equorum et somariorum."[3] Reaching Bologna on the 1st of August he found envoys from the Bianchi and the Neri awaiting him there. The latter party had already handed over to the "curia domini Papæ" the large sum of 70,000 florins to assist the expedition which was now absolutely decided.[4] As a preliminary step, Valois went to Anagni with 500 knights, saw King Charles of Naples, and made arrangements with him concerning the Sicilian campaign. The Pope hastened to create Valois Count of Romagna, and afterwards, in the name of the vacant Empire, Mediator (*Paciaro*) in Tuscany.[5] So, without farther delay, the Count started for Florence, joined on the road by the exiles who flocked to his ranks.

[1] Villani, viii. 42.
[2] Signor Levi gives a very clear explanation of the case by distinguishing between various facts confused together by the chroniclers.
[3] "Cronicon Parmense," in Muratori, r. i., ix. 843.
[4] Del Lungo, vol. i. p. 230; Dino Compagni, bk. ii. 8, note 3.
[5] Villani, viii. 43 and 49; Del Lungo, vol. i. p. 206.

His mission was to crush the Bianchi and the people and to uplift the Neri. He had deliberately undertaken the task, but rather for the purpose of satisfying the Pope, of whose support in Sicily the Angevins had now pressing need, than from any personal motive. In fact, knowing that he could never hope to be lord of Florence, he felt very little interest in the matter. Nevertheless he counted on being able to extort a considerable sum of money from the city, and to this end brought Messer Musciatto Franzesi with him to serve, Villani tells us, as his *pedotto*, *i.e.*, as guide and factotum. This man was a well-known merchant of the Florentine territory, who had made his fortune in France by illegal as well as lawful means, and had been knighted by the French king in reward for many services, among others for having suggested a device for replenishing the treasury during the war in Flanders by debasing the coinage.[1] Charles of Valois hoped to gain much by this man's assistance; whereas the Florentines regarded the said *pedotto* with great distrust.

On the 13th of September all the councils assembled in the palace of the Podestà—Dante Alighieri sitting among them that day—to decide "quid sit providendum et faciendum super conservatione Ordinamentorum Iustitiæ et Statutorum Populi."[2] This, and not the struggle between the Bianchi and Neri, was always the main point with the Florentines. Hence it was resolved that, for the present, everything should remain in the hands of the magistrates of the Republic, and that it would be advisable to dispatch an embassy to the Pope. Whether

[1] Villani, viii. 56. Boccaccio also alludes to Franzesi as "a trader turned knight."

[2] Fraticelli's "Storia della Vita di Dante" (Florence, Barbèra, 1861) includes at p. 135 and fol. fragments of the debates in which Dante took a part, and the same were republished more correctly and completely in Imbriani's work, "Sulla Rubrica Dantesca del Villani," first published in the "Propugnatore" of Bologna for 1879 and 1880, and afterwards in a separate volume. Bologna, 1880; Del Lungo, p. 209.

Dante Alighieri was one of the ambassadors sent, as asserted by the historians, has been no less disputed than all other incidents of the poet's life. At that time he was ardently devoted to politics, and although belonging to the old nobility, was not only enrolled in the guilds and a partisan of the Bianchi, but thoroughly at one with the people, a supporter of the Enactments of Justice, and opposed to the Pope's designs. From the 15th of June to the 15th of August, 1300, he had been one of the Priors who had exiled the leaders of the Bianchi and the Neri. In the "Consulte" of 1296 we find him combating the proposal of furnishing a subsidy to Charles of Anjou, to assist his Sicilian campaign. In 1301 he took an even more prominent share in the debates of the councils, and always manifested unchanged opinions. In fact, during the debates of the 14th of April, when it was proposed to supply a hundred soldiers at the expense of the Commune, for the Pope's service, Dante twice, at least, made reply, "Quod de servitio faciendo domino Papæ nihil fiat." [1] He had been also frequently employed in other public posts: accordingly it is quite possible that he may have been sent to Rome at this time, as many of his biographers have stated. What could be said to the Pope? It was now hopeless to expect him to refrain from sending Charles of Valois; but in addition to soothing him with fair words, it might be neither inopportune nor useless to endeavour to make him understand that it could not serve his purpose to expel the Bianchi and aggrandise the Neri, seeing that the government of the city would still remain in the hands of the guilds. It would, therefore, be wiser for him to come to terms with the people, which was steadfastly Guelph, and, once pacified, might consent, as in past times, to accept from him, in the future, a provisional Vicar, always

[1] Fraticelli and Imbriani, *op. cit.*

MASK OF DANTE TAKEN AFTER DEATH, RAVENNA, pp. 152-135.

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provided that the freedom of its popular government, its statutes and enactments, were left intact. But this popular government was precisely what the Pope was determined not to tolerate any longer. Therefore, without many words, and almost without giving any heed to the ambassadors, he only replied to their arguments by saying, so Compagni relates: "Make humiliation to us." According to the same chronicler, two of the ambassadors returned to Florence without delay, but Dante, who was the third, lingered in Rome for a while.[1]

[1] One of the first writers refusing belief in this embassy was Professor V. Imbriani in his already mentioned essay, "Sulla Rubrica Dantesca del Villani." Subsequently, my colleague and friend, the late Professor Bartoli, applied his learning to a re-examination of Dante's entire career, in vol. v. of his "Storia della Letteratura Italiana," and without explicitly denying that the embassy in question had been sent, expounded the doubts which might be raised about it. He included in the volume an essay by Professor Papa, who, with youthful daring, decidedly disbelieves in the embassy. But that learned scholar, Professor Del Lungo, asserts that it really took place. This is a very important question with reference to Dante's career, but very unimportant as regards the general history of Florence, since, even if the embassy were really sent, it produced no practical result. Nevertheless, without presuming to decide the lengthy dispute, I will show my reasons for crediting the fact of the embassy.

Although Villani says nothing on the subject, it is mentioned by Dino Compagni (ii. 25), the authenticity of whose chronicle is maintained by Bartoli, Papa, and Del Lungo. Hence, if any of these writers intends to deny the fact of the embassy, without denying Compagni's authenticity, he must suppose this special passage to be an interpolation. Yet it is impossible that such interpolation could have been made at a later date in the fifteenth century manuscript containing the passage. Besides, the testimony of nearly all Dante's biographers has still to be dealt with. Leonardo Bruno (born 1369) makes very explicit mention of the embassy; Filippo Villani, Giovanni Villani's grandson, who expounded the Divine Comedy in 1401, by order of the government, speaks of a mission undertaken by Dante "ad summum Pontificem, urgentibus Reipublicæ necessitatibus." Boccaccio also alludes to it, but far more indirectly and vaguely. Certainly the latter is no trustworthy historian, nor were the other two contemporaries of Dante. But after acknowledging all this, and even granting that some one of those writers may have borrowed from the others, and likewise admitting the theory of an interpolation inserted during the fifteenth century, in Compagni's chronicle, we are still met by the undisputed fact, that those who studied Dante's works and wrote Dante's life at a period little removed from his own day, and therefore

VIII.

Meanwhile Valois, with his usual deceit, and to hoodwink every one more completely, wrote to the Commune of San Gimignano on the 20th of September in the

enjoying better opportunities than we possess for learning its details, all believed in the fact of his mission to Rome.

Until fresh documents are found, what reasons can be alleged to justify us in denying it at this distant date? In no case, says Professor Papa, could such an adversary as the author of the "Monarchia" have gone as ambassador to Boniface VIII. First of all, however, the period in which the "Monarchia" was written is still disputable and disputed. Professor Del Lungo and many others ascribe the work to a much later period. As far as we know, Dante was still a Guelph then, but certainly no favourer of the Papal pretensions against which the Florentine Government sent him to protest. Hence, so far there is nothing to make us think his mission incredible.

But Professor Papa winds up with an argument that, as he thinks, should finally dispose of the question. If, as asserted by Compagni and Aretino, Dante was really sent ambassador to Rome, and departed thence, after a time, without returning to Florence, how is it that the decree sentencing him to banishment should set forth, as it does, that he had been cited by the Nuncio to appear in Rome? According to the statute, *forenses*, or absent persons, had to be cited by letter. Therefore, if the citation was made through the Nuncio, it proves that Dante was undoubtedly in Florence, and had not gone to Rome. But *forensis* does not signify an absent person, *i.e.*, one who *extra civitatem manet*, but, on the contrary, signifies—according to the statute—one having no domicile either in the city, *contado*, or district.

Accordingly Dante, having a domicile in Florence, was not *forensis*, and if he went to Rome was only *absent;* his embassy, decreed in September, must have been speedily ended, since a new and adverse government came into office the 8th of November; and Dante's banishment was only proclaimed on the 27th of January of the following year. Together with three other persons he was cited to appear and be heard in his own defence and exculpation. As neither he nor the others appeared, and none of them would have consented to appear, even if in Florence, they were condemned, as they would have been in any case. Thus, strictly speaking, it cannot be said that even in this instance there was any violation of legal procedure, although in those days legality, justice, and humanity were trampled under foot without the slightest scruple.

Therefore, as Professor Bartoli admits, there is no absolute proof of the impossibility of the embassy in question. Even if Villani's silence may seem strange, Compagni's statement to be considered an interpola-

following terms: "Be assured that neither the Pope nor I have the slightest intention 'de juribus iurisdictionibus seu libertatibus, quæ per comunitatis Tusciæ tenentur et possidentur, in aliquo nos intromictere, sed potius . . . favorare."[1] The Florentines, however, were not to be tricked by these false promises, and on the 7th of October elected a new Signory, in advance of the usual time, trying to assign either faction an equal share in it, in the hope of effecting some mitigation of party rancour. But, as justly observed by Compagni, this was rather the time "for the sharpening of swords." Valois, being at Sienna on the 14th, dispatched ambassadors thence to announce his arrival, and these envoys were received by the councils in full assembly, including that of the Guelph Society. Accordingly many Neri and Grandi being present, and joining with those who at every time and everywhere invariably go with the winning side, they all vied warmly with one another in proposing to welcome the stranger with open arms.[2] In point of fact, no one was inclined to oppose what had now become an unavoidable necessity, particularly as Charles had again given the Florentine envoys at Sienna written as well as verbal assurances of his intention to respect the city's laws and rights of jurisdiction.[3] So, on All Souls' Day, 1st of November, welcomed with great pomp and display of force, Valois entered Florence as "Peacemaker," and, as Villani says, "with his men disarmed." But in the "Divina Commedia" Dante describes his entry thus:—

tion, the fact remains that the embassy was credited at a time little removed from Dante's day, and credited by men better acquainted than we can be with the circumstances of his career. For these reasons, while admitting the weight of often reiterated doubts, pending absolute proof to the contrary, I shall retain my belief in the embassy.

[1] *Vide* Del Lungo, vol. i., Letter in appendix vi. pp. xlv. and xlvi.

[2] Compagni, ii. 8.

[3] Villani, viii. 49. Compagni says that he saw the sealed (*bollate*) letters.

> " Per far conoscere meglio sè e i suoi,
> Senz 'armi n'esce solo con la lancia
> Con la qual giostrò Giuda, e quella ponta
> Sì che a Fiorenza fa scoppiar la pancia."[1]

His troops had gained so many recruits by the way as to now amount to about 800 foreign and 1,400 Italian horse. They were certainly too few to besiege or enslave Florence; but Valois had the influence of Rome and France at his back, and the Neri were ready to fly to arms. Hence, assured of safety, he established his quarters across the river (Oltrarno) in the house of the Frescobaldi, once friends, but now foes of the Cerchi. After resting there quietly for a few days, in order to mature his plans, he demanded the lordship and custody of the city, with a view to its pacification. Accordingly a solemn meeting was held in Santa Maria Novella on the 5th of November, attended by all the leading citizens and magistrates of Florence. Valois's request was granted when he pledged his princely word to preserve the city in good order, peace, and independence. Villani, who was present at the ceremony, and favourable to Charles, relates, nevertheless, that "he" (Valois) "and his troops immediately began to do the contrary." In fact, by the advice of Musciatto Franzesi, who had connived with the Neri to that effect, violence was resorted to without delay, and all Florence rose in a tumult, perceiving that the moment for assault and treachery had now arrived.

The Signory being attacked by the Neri, betrayed by Charles and forsaken by the Bianchi on the charge of having allowed itself to be surprised unprepared for defence, was utterly powerless, and the Republic was left without a government. The new Podestà, Messer Cante dei Gabrielli of Gubbio, had entered the city with Charles de Valois, and for what purpose may be easily divined.

[1] " Purgatorio," xx. 72–5.

At this juncture Corso Donati appeared, sword in hand, with his followers at the Pinti gate. Finding it closed, he managed to break through the postern door, with the help of friends within, and, entering the city, was hailed by the mob with the usual cries of "Viva Messer Corso, viva il Barone!" Hastening first to throw open the prisons, he then went to the Public Palace, and driving out the Signory, compelled them to return to their homes. Villani relates that "during all this laceration of the city, Charles, violating the terms he had just sworn to observe, never attempted to check the fray, but only looked on." [1] The Bianchi were speedily overpowered, many wounded and killed, and their houses sacked. This "pestilence" lasted for five days in Florence, and for eight in the territory, armed bands scouring the country, maltreating the inhabitants, and plundering and burning their dwellings. Some of the worst and most ferocious excesses were committed by the Medici family.[2] By the 7th of November the Signory were so overwhelmed with terror as to suggest a decree authorising them to withdraw before the legal expiration of their term. Therefore on the following day a new Signory was appointed to hold office until the 14th of December, when, according to the law, another one would have to be elected in regular course. The existing Signory hastened to announce to all the fortunate triumph of the Church party under the auspices of the Pope and Valois, by whose means "Populus roboratus, Status et Ordinamenta Iustitiæ, iurisdictiones, honores et possessiones Populi et Comunis Florentiæ suorumque civium observata." [3] In spite of these very hypocritical words, we know that even then

[1] Villani, viii. 49, p. 53.

[2] Ibid. viii. 49. Many other details are given in the Chronicles of Compagni, Paolino Pieri, Neri degli Strinati, &c., &c.

[3] *Vide* Del Lungo (vol. i., Appendix, Doc. vi. p. xlv.) in the Letter dated 12th of November, sent to the Commune of San Gimignano.

no one dared attempt to annul the enactments, or to remove the government from the grasp of the people; while it was equally true that with a Signory composed of Neri, a Podestà such as Cante dei Gabrielli and Valois, with Musciatto Franzesi and Corso Donati at his elbow, the Bianchi were doomed to destruction. In fact the work of pillage never ceased; exiled friends were recalled, the banishment of adversaries was rigidly maintained, and Charles began to extort money from the citizens by threats.[1] His first victims were the members of the late Signory, who were given the choice of opening their purses or being sent as prisoners to Puglia, an alternative of which the meaning was clear.[2]

Meanwhile, the Pope having little confidence in Valois, or in the latter's scanty knowledge of Florence, and still adhering to his plan of reconciling the magnates in order to crush the people, again sent the Cardinal of Acquasparta, for the purpose—as stated in his letter dated 2nd of December, 1301—"of seconding Charles's efforts, by checking dissension among the citizens and converting them to peace and charity."[3] These were vain hopes, however. The Cardinal did his utmost, and arranged a few reconciliations and even some marriages between Bianchi and Neri; but when he proposed that either party should have an equal share in the government, the Neri, backed by Charles, made the most vehement opposition. And as the Cardinal persisted in his fruitless endeavours, Messer Niccolò de' Cerchi, when riding out to the country for a day's pleasuring with his friends, was attacked in Piazza Santa Croce, pursued by Corso Donati's son Simone, and murdered by him on the Africo bridge. But in the course of the struggle the victim

[1] *Vide* the "Provvisione" in Del Lungo, vol. i. p. 290.
[2] Compagni, "Cronica," ii. 20 and 21.
[3] Potthast, Boniface's Letter in the Regesta Pont. Rom., p. 2006.

DANTE ALLEGORICAL PANEL.
By Domenico di Michelino (1465), pp. 158-59.

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dealt his assailant a mortal wound that soon brought him also to the grave.

As Simone was Corso's favourite son, it may be imagined how this effected the peace that the Pope had hoped to establish through the Cardinal's mediation. Messer Cante dei Gabrielli had already begun to pronounce sentences on the Bianchi, which were subsequently transcribed on the first pages of the still extant "Libro del Chiodo." Four of the Bianchi faction were exiled on the 18th of January, 1302; five more, including Dante Alighieri, on the 27th. In February four other verdicts were issued for the banishment of over one hundred nobles and burghers of the city and territory.[1] Enraged by these proceedings, the Cardinal hurried off, again leaving Florence under interdict, but not before he had received the 1,100 florins assigned to him on the 27th of February, 1302, in remuneration of his abortive efforts.

In the meantime Charles of Valois had gone to Rome, though for what purpose is scarcely ascertained. Compagni says that he went to seek money from the Pope, who replied to him: "I have sent thee to the source of gold; now profit by it as best thou canst." It is, therefore, highly probable that he went to convince the Pope of the impossibility of the pacification His Holiness had dreamt of arranging, and that the only thing to be done was to exalt the Neri and crush the Bianchi, together with the people abetting them. Knowing little of the Italian communes in general or of Florence in particular, he failed to discern, that though the Bianchi might be crushed, not so the people. To quell the latter, nothing short of wholesale slaughter could suffice, and even this would have failed in the long run.

[1] *Vide* the notices and documents collected in Professor Del Lungo's monograph, "Sull' Esilio di Dante," Florence, Le Monnier, 1881. Some fragmentary information on this subject had been already published in the "Delizie degli Eruditi Toscani."

At any rate, on returning to Florence on the 19th of March, Valois feigned to have discovered that the Bianchi had formed a plot against him with the connivance of one of his barons, Pietro Ferrando of Provence; and an agreement signed and sealed by the conspirators was actually produced.[1] The chroniclers, Villani included, declare that the plot was entirely fictitious; nevertheless, the agreement in question, dated 26th of March, is still extant in the Florentine Archives.[2] Either it was forged at the time to furnish an excuse for fresh arrangements, or was drafted by Pietro Ferrando for the purpose of entrapping the Bianchi and giving Charles another weapon against them. In fact, he immediately subjected them to fresh persecution. The heads of the party were cited to appear; but disregarding the summons, they hastily fled to Pistoia, Arezzo, and Pisa, there reinforcing, the Ghibellines and all other enemies of Florence. Eleven of their number were outlawed as rebels; their houses and property confiscated or destroyed.

Having dealt the Bianchi this fresh blow, and secured the triumph of the Neri, Valois took his departure, but not without obtaining a promise of further subsidies from his friends. In fact 20,000 florins were awarded him in December, and 5,000 more sent in October, 1303.[3] Meanwhile the Podestà, Messer Cante, continued to rain penalties on the town. By May no fewer than 250 condemnations had been pronounced, and as his successor pursued the same course, more than 600 sentences of confiscation, exile, and death were issued during the year 1302.[4] Villani says in conclusion: "Thus by the agency of Charles and the orders of Boniface VIII., the hated Bianchi faction was defeated and expelled, wherefrom

[1] Bk. viii. chap. 49, p. 53.
[2] Dino Compagni, ii. 25; Prof. Del Lungo, pp. 212–13, note 3.
[3] Del Lungo, i. p. 305. [4] *Vide* the "Libro del Chiodo."

great trouble ensued later on."[1] Up to this point the succession of events may be traced with sufficient ease. But from the moment the exiles sought friends abroad, and waged war on their native city, it becomes increasingly difficult to disentangle the chaos of parties, and comprehend the real meaning of all that took place. Therefore this is the moment to test whether our previous remarks have served to cast any new light upon a period of history that is still somewhat obscure, in spite of the close study and deep learning devoted by so many writers to its investigation.

[1] G. Villani, bk. viii. chap. 49, p. 54.

CHAPTER X.[1]

DANTE, FLORENTINE EXILES AND HENRY VII.

I.

FTER Valois's departure and the events by which it was followed, the history of Florence enters on a new phase. The exiles united with the nobles of the territory and the Ghibelline cities in raising a rebellion against the Republic, in order to pave the way for their own recall. This naturally brought about a temporary reconciliation and agreement between the magnates of the Black party, who made greater boast than ever of being the only genuine Guelphs, and stigmatised all the exiles as Ghibellines. Pistoia and the fortress of Piantravigne were the first to revolt, but were speedily reduced to submission. Then, on the 8th of June, 1302, the leading exiles, of whom Dante Alighieri was one, assembled in the church of St. Godenzio among the Apennines, and arranged explicit terms of alliance with the Ubaldini, undertaking to compensate them at their own expense for the injuries caused by the war to that family's possessions in the Mugello, where the stronghold of Montaccenico was to serve as headquarters for the adversaries of Florence.

[1] First published in the "Nuova Antologia" of Rome, in issue of 16th of December, 1888, and 16th of January, 1889.

Thereupon the Florentines at once proceeded to ravage all the lands of the Ubaldini on either side of the Apennines.[1] By tremendous exertions, and with the support of Pisa and Bologna, the exiles managed to collect an army of 800 horse and 6,000 foot, and in the spring of 1303 beleaguered the Castle of Pulicciano, appertaining to the Florentines. But even there they had little success. The "people and knights" of Florence took arms and hastily marched against them. The Pisans failed to send the promised succour, the Ubaldini remained inert, and as the Bolognese withdrew declaring themselves betrayed, the Bianchi, being left unassisted, ignominiously dispersed. So the Neri returned to the city in triumph, after taking many prisoners, some of whom were killed on the way and others beheaded by the Podestà. They afterwards surprised the Castle of Montale near Pistoia, and ravaged the surrounding territory. Thus the war seemed at an end, and the hopes of the exiles fallen.

But at this juncture discord again broke out in Florence. Preliminary manifestations of turbulence and rebellion had already led to some fresh sentences of exile and a few executions. But matters now grew more serious. Corso Donati's arrogance once more produced its usual results. He disgusted his friends by urging them to side with the rich burghers they despised. Being alienated from the nobles of the territory who had made common cause with the exiles, he again tried to become the leader of the more intolerant section of the magnates, and curried favour with the populace, declaring it to be unjustly overtaxed, merely to fill the pockets of certain fat burghers. "Let the people see where that great sum has gone, for no such amount can have been expended on

[1] Villani, viii. 52, 53; Del Lungo, Appendix xii. to Compagni's "Cronica," p. 562, and fol.; "Le guerre Mugellane e i primi anni dell' esilio di Dante."

the war." And he demanded an inquiry, thus beginning, as Villani remarks, "to sow discord by a feint of justice and compassion." [1] Much discussion, great turmoil ensued, but nothing was done, although a law was actually passed (24th of July, 1303) granting the Podestà and captain full powers of inquiry and decision, Meanwhile much irritation was felt by the "fat burghers" against whom the accusation had been launched, and in order to strike a fresh blow at the magnates, they obtained the recall of certain exiles belonging to the popular party, who had not broken bounds. They likewise recalled a few of the Cerchi family, thereby gaining the approbation of the Pope, who was much troubled by the disturbances the Bianchi were exciting on all sides and even in cities belonging to the Church.[2] Thus, as Del Lungo happily expresses it, "by dint of fishing magnates out of the crucible," [3] Corso Donati was enabled to gather about him more than thirty families, including some of the burgher class and a few returned exiles. Several members of the Tosinghi house were adherents of the Bianchi, and amongst them the valiant Baschiera della Tosa was one of the exiles. There were also Donati's former foes, the Cavalcanti, a very wealthy and numerous clan, comprising members of all parties, although more Bianchi than Neri, and who, as the owners of a mass of houses, shops, and magazines in the centre of the city and tenanted by merchants, were naturally on good terms with the trading class. Accordingly the Donati no longer commanded a party, but rather an ill-assorted crowd, only united by the common bond of hatred against the people. In fact, Messer Corso was wont to say that they were all "captive

[1] Villani, viii. 58. Dino Compagni, "Cronica," ii., xxxiv., and notes 13 and 14.
[2] Dino Compagni, "Cronica," ii., xxxiv., note 20 (document).
[3] Del Lungo, p. 546.

and enslaved to a herd of fat burghers, or rather dogs, who tyrannised over them and robbed them of power." [1] Nevertheless, the real magnates, namely, noblemen by birth and temper, mostly leaned to his side, while those unable to tolerate his insolence preferred to play the part of spectators. Another of Corso's allies was Messer Lottieri della Tosa, Archbishop of Florence, who was making warlike preparations within the walls of his palace. In opposition to these confederates, several families, such as the Spini, Pazzi, Gherardini, and certain of the Frescobaldi had banded together under the lead of Messer Rosso della Tosa, another man of soaring ambition, who, in pursuance of the policy formerly employed by Vieri dei Cerchi, inclined to the burghers' side. And by means of some of his bravest followers, more particularly certain democrats of the Neri party, named Bordoni, "serving him," Compagni says, "as pincers to seize hot iron," [2] he daily harassed the Donati in the councils of the State.

II.

Thus matters seemed again at the same point as before the arrival of Valois. In fact we see Rosso della Tosa and his following combining with the people in defence of the Signory; while, on the other hand, Donati, backed by the captains of the party, was continually threatening and attacking it. Again, the citizens daily drew swords and came to blows; again, robbery, bloodshed, murder, and arson were rife in the town and throughout the territory. Even from the tower of the bishop's palace a mangonel hurled stones on Corso Donati's foes. Both the Signory and Podestà were reduced to impotence.

[1] Compagni, iii. 11. [2] Ibid. iii. 11.

Things reached at last such a pitch that recourse was had to the very strange plan of transferring the government to the Lucchese for sixteen days to see whether they could succeed in quieting the city. They re-established order, but without punishing the guilty; consequently, as soon as they were gone everything went on as before. It was even endeavoured to choose a Signory (solely of the people, however) approved by both parties, but the attempt came to nothing.[1] What brought the confusion to a climax, and rendered it permanent, was the fact that whereas the split between the magnates and the people had caused two genuine parties to be formed, the division among the magnates now convulsing the city, solely proceeded from the ambition of Corso Donati and a few others, had no political motive, and no basis of general principle or general interest. As we have seen, in fact, Donati's following comprised magnates of every shade, returned exiles owning friends and relations still in banishment, together with a sprinkling of the lower class. Nor could there be much cohesion in the ranks of the adverse party supporting the Signory, since this was also made up of aristocrats and men of the people, conflicting elements whose union could never be permanently assured. If the foes of the Signory were held together by Corso's energy and ambition, its supporters were chiefly united by their common hatred for him. Therefore, owing to this predominance of the personal element, both the parties were exposed to perpetual division, subdivision, and change, to a perpetual shifting of the pieces, and restless passing and repassing from one group to another.

Confusion was now to be heightened by the death of Boniface VIII. (October 11, 1303) and the election of Pope Benedict XI., a man of gentler fibre and uncertain will. The new pontiff yearned to re-establish peace in

[1] Villani, viii. 68.

Florence at all costs, and procure the recall of its exiles; for the latter were keeping his own states in a turmoil, and even in Rome itself he had already encountered so much opposition from the nobles and people, that shortly after his election he had been compelled to seek refuge at Perugia, namely on the borders of disturbed, restless Tuscany. Nor was it now possible, amid all these calamities, to count on any help from France, inasmuch as he had brought a suit against the authors of the criminal attempt at Anagni causing the death of Pope Boniface, that had been actually devised by the king of the French. For these reasons, and at the urgent solicitation of the Bianchi in Florence and elsewhere, Pope Benedict dispatched a peacemaker to the city on the 31st of January, 1304, in the person of Cardinal da Prato, a supposed Ghibelline. The Cardinal arrived on the 10th of March, and tried to conciliate all alike: magnates, people, exiles, Bianchi, the Neri led by Corso Donati and the Neri under Rosso della Tosa. But what chiefly disturbed public feeling and brought confusion to a climax was his scheme of recalling banished men and reconciling them with the city. Nevertheless the popular class was less opposed than others to the plan, discerning in it a possible means of enfeebling the magnates by promoting fresh discord in their ranks. Rosso della Tosa, on the contrary, was decidedly hostile to the exiles' return, considering that this would strengthen the opposite party, which was already favourable to many of the banished men. These views were shared by some of his faction. On the excuse of suffering from an attack of gout, Corso Donati remained a passive spectator for the nonce. But the Cavalcanti warmly approved of the suggested treaty, and were seemingly the first to promote it.

Having received full powers from the people, the

Cardinal at once began to arrange reconciliations, and with success as regarded the Bishop and his former comrade, Messer Rosso della Tosa. He next appointed Corso Donati Captain of the Guelph Society, and re-organised the old popular militia, on the original plan, under nineteen Gonfaloniers of Companies. But in spite of bestowing commands on some of the magnates, the latter murmured bitterly against his reforms, saying that they tended to increase the people's strength, that the Cardinal was a Ghibelline, would end by leaving the city in the hands of the Bianchi, and that the latter would forthwith claim restitution of all property and estates made confiscate for the benefit of the Guelph Society. Regardless of these complaints, the Cardinal persisted in holding meetings to ratify the agreement. In fact, on the 26th of April, several Neri of the Donati and Tosa factions exchanged pledges of amity in the Square of Santa Maria Novella. Great festivities were given in honour of the occasion, among others a grand performance arranged by the Company of Borgo San Frediano, who announced throughout Florence that all persons desiring news of the other world might obtain it by assembling on the banks of the Arno on the evening of the 1st of May. Blazing fireworks represented the infernal regions, while boatloads of masks figured as condemned souls undergoing various torments. The people flocked in vast numbers to the river and on to the Carraia Bridge, which being only a wooden structure at the time, gave way beneath their weight. Many were seriously injured, and many others really went to the next world. The catastrophe was regarded by all as a bad omen, and was truly the prelude of fresh calamity.

III.

Meanwhile, those most opposed to the recall of the exiles craftily advised the Cardinal to begin by undertaking a mission of peace to Pistoia, declaring that so long as that city remained in the power of the Bianchi, Florence could never be really pacified. But the Pistoians resisted his efforts so vigorously, that not only was he compelled to leave the town without concluding any arrangement, but on seeking to enter Prato, found the gates of his native city closed in his face. The Pope, being highly enraged by all this, addressed an indignant letter to the Florentines on the 29th of May.[1] But they were in so disorderly and riotous a state, that after imploring the Pontiff to find them a Podestà, they refused to accept either of the four individuals proposed by him. Yet the Cardinal obstinately clung to his idea of re-establishing peace. At his instance, safe conducts were given to twelve delegates from the exiles, six Ghibellines and six Bianchi, in order that they might come to Florence to settle terms with as many representatives appointed by the City, each Sesto contributing one of the Donati and one of the adverse faction.[2] These twenty-four citizens were all magnates, and felt so much reciprocal distrust that the twelve exiles, although well received by the people and quartered under State protection in the Cardinal's own residence at the Mozzi Palace, were most anxious to depart, fearing to be cut to pieces at any moment. But they were advised by their friends to take arms and seek refuge in the houses of the Cavalcanti, seeing that with the latter's help they would be enabled, if necessary, to repulse and overcome their

[1] *Vide* the letter given by Del Lungo at pp. 556–7.
[2] Dino Compagni, iii., vii.

enemies by force. The Cavalcanti seemed well disposed to the plan, and began to arrange preliminaries. But after thus rousing the suspicion and increasing the animosity of their foes, they suddenly drew back, thereby disgusting even their friends. Accordingly on the 8th of June, 1304, the exiles hurried away from Florence as though flying for their lives.[1] Thereupon there was a loud outcry against the Cardinal; he was charged with having betrayed the city by his stealthy manœuvres, and it was even added that he had encouraged the exiles to appear before the walls in warlike array. Letters bearing his seal were shown, and it was affirmed that the exiles had marched from the Mugello as far as Trespiano, and only beaten a retreat on learning the failure of the meditated scheme. Villani declares that these reports were mere slanders;[2] but even the epistles attributed to Dante Alighieri lead us to infer that the Cardinal really desired the exiles' return and had negotiated with them to that effect.[3] But his patience being now exhausted, he

[1] Villani, viii. 69; Compagni, iii., vii. [2] Villani, viii. chap. 69, p. 87.

[3] An anonymous and undated epistle addressed to Cardinal Da Prato by the Captain Alessandro (supposed to be Alessandro da Romena) and the council and university of the Bianchi party, was published among Dante's Letters as one composed by him for the use of his fellow-exiles, and was long attributed to him by his biographers. But the Captain's name is not given in the old manuscript from which the letter was printed, but merely indicated thus: *A. ca.* (Epistle I. of the Fraticelli edition, Florence, Barbèra, 1863).

This epistle says in reply to letters and advice from the Cardinal that the Bianchi are grateful to him and disposed to peace. "Ad quid aliud in civile bellum corruimus? Quid aliud candida nostra signa petebant? Et ad quid aliud enses et tela nostra rubebant, nisi ut qui civilia iura, temeraria voluptate truncaverunt, et iugo piæ legis colla submitterent, et ad pacem patriæ cogerentur?" Therefore the gist of Dante's words would have been: The desire to have our laws and liberties respected was the sole cause of our rebellion; all that we now wish is to see justice and peace again triumphant. This language is worthy of the poet, we think.

But doubts have lately arisen as to his authorship. Professor Bartoli, after examining the subject from all points and ingeniously discussing all different theories respecting it, concludes his prolonged and careful

departed on the 10th of June, again leaving the city under interdict, and exclaiming: "Since ye prefer to be at war and accursed, will neither hear nor obey the messenger of God's Vicar, nor be at rest and at peace among yourselves, remain under the curse of Heaven, under the curse of Holy Church." [1]

inquiry by stating that there is no historical evidence to prove whether the letter were really by Dante or not ("Storia della Letteratura Italiana," vol. v. chaps. 8–10). Professor Del Lungo says that the style of the letter is Dantesque, in its merits as well as in certain defects; but that this fact does not justify him in decidedly attributing it to the poet's pen, since it may have proceeded from some contemporary in similar circumstances. Indeed, after examining the contents of the letter, he considers that it cannot have been written by Dante, and, among other reasons, chiefly because the words *candida nostra signa*, and *enses et tela nostra rubebant*, &c., are almost identical with those used by Compagni in describing the fight that occurred at Lastra on the 20th of July, 1304. Hence, he is of opinion that the letter undoubtedly refers to that event, and was therefore only written after that date. And seeing that Dante had separated from the exiles before that time, Del Lungo considers that the letter cannot be by him.

For my own part, I doubt whether the letter really referred to the Lastra affair. Surely the words in question: "Our white ensigns were displayed, and our weapons flashed," may have been used either in reference to Lastra or any other battle fought by the exiles, in spite of their resemblance to, and apparent translation from the passage in Compagni relative to the fight at Lastra. This being the case, without altogether rejecting Del Lungo's view, I will merely remark that his argument is insufficient to disprove Dante's authorship, since the poet may have written the letter in the name of the exiles, when they were carrying on those negotiations with the Cardinal on the subject of peace, afterwards leading, as we have seen, to the despatch of twelve delegates to Florence. The failure of those negotiations, the cruel slaughter of the Cavalcanti and their friends, the wholesale destruction by fire and pillage, the partial junction of the Bianchi with Corso Donati, and the union of the exiles with the Bolognese, Pistoiese, Pisans, and all foes of Florence, immediately followed up by the foolish attempt at Lastra, may well suffice to explain, not only Dante's indignant withdrawal from the exiled Bianchi, but likewise the withdrawal of many other citizens. In fact, the latters' non-appearance at Lastra may be perhaps assigned to the same motive, as we shall have occasion to show later on.

[1] Villani, viii. 69. This chronicler dates the Cardinal's departure the 4th of June; Dino Compagni, the 9th; Paolino Pieri and the "Cronica," designated by Del Lungo as the "Cronica Marciana-Magliabecchiana,"

At this moment the Cavalcanti and their friends were at a truly terrible pass. Their present junction with the Donati was insufficient to blot out old animosities, which had been only laid aside for a while in order to second the return of the Bianchi, at the expense of the Tosinghi faction. The latter remained practically isolated, forsaken even by the rich trading class, who, wearied of perpetual civil war, had been persuaded by the Cardinal to promote a reconciliation between the Cavalcanti and Donati. But the former's unexpected withdrawal at the last moment, and when all seemed arranged, had stirred the old hatred to new fury, and the Cavalcanti were now between two fires. Messer Corso, being unwilling to join hands with the Tosinghi, kept his rage in check for the nonce, and feigning to be ill with gout, still remained passive, leaving his followers to do as they chose. But Rosso della Tosa was a ferocious enemy of the Cavalcanti, by whom he had been brought to the verge of ruin, and his hatred was not to be restrained. So the Cardinal had scarcely disappeared before a catastrophe became imminent in Florence. The Cavalcanti recognised their peril; but they were numerous, courageous, and powerful. They could count on the Gherardini, Pulci, and Cerchi del Garbo; they owned many friends even outside the walls and among the exiled Bianchi; they had also adherents of the burgher class, no few of whom tenanted their houses in the centre of Florence. The foes now arming against the Cavalcanti were aristocrats, not *popolani*. The Cerchi del Garbo began to scuffle day and night with the Giugni. The Cavalcanti and their friends hastened to the former's assistance, and so effectively as to be able to press on from Or San Michele to Piazza San Giovanni almost unopposed. But while at this distance from their own quarter a serious

give the date of the 10th. This is also adopted by Del Lungo, p. 563. *Vide* Dino Compagni, "Cronica," iii. 7, note 26.

fire broke out there. Their enemies had set the Cavalcanti houses ablaze with combustibles kept in readiness for some days past. The first man to start the fire, beginning with the dwellings of fellow associates, was Neri degli Abati, prior of San Piero Scheraggio; and his incendiary example was followed by many accomplices, including Simone della Tosa and Sinibaldo Donati, Messer Corso's son.[1] It was the 10th of June, 1304, and a strong north wind was blowing. Accordingly, the fire spread with great rapidity to the Calimala street, the Old Market, and Or San Michele, thus destroying the whole centre of Florence as well as the Cavalcanti houses—in fact, as Villani expresses it, "all the marrow, the yolk, and dearest spots of our city of Florence."[2] He adds, that the palaces, houses and towers consumed amounted to more than seventeen hundred, with enormous loss of property and merchandise, seeing that everything saved from the fire was stolen when carried away, and that fighting and pillage went on even in the midst of the flames.[3] Paolino Pieri relates in his chronicle, that one-tenth of the city was burnt, and one-sixth of its whole property. Many families and associations were ruined, but the worst sufferers were the Cavalcanti, who seemed paralysed with terror on beholding all their possessions devoured by the flames. Yet so ferocious was the hatred cherished against them, that even after these cruel calamities they were driven from Florence as rebels.

IV.

Let us see what were the political consequences of these events. The Donati and Della Tosa factions having combined for the undoing of the Cavalcanti and their

[1] Compagni, iii. 8. [2] Villani, viii. 71. [3] Ibid.

friends, it was decided at first that the magnates, emboldened by union and victory, should next attempt to annul the Enactments of Justice, and take the government in their hands. And, in the midst of the general dismay, the project might have succeeded, Villani says, had the nobles been really in unison. Instead, "they were all at strife, and split into sects, wherefore either side courted the people so as not to lose ground." [1] The division of parties remained substantially the same. That is, on the one hand, there were the quarrelsome magnates seeking support from the people against their personal foes, and, on the other, the people trying to profit by the magnates' dissensions. Of course the merchants had also suffered heavily by the fire ; but their wealth was of a kind to be rapidly replaced, whereas the nobles had no means of repairing their still greater losses. For the prosperity of the Florentine people was so prodigious at the time that, even after this wholesale destruction, their riches seemed nowise diminished. But there was a notable decline in the power of the magnates, who disappeared almost entirely from the first circuit, or centre of the city, where the old families had their dwellings. Therefore Capponi has some reason to say in his history : "From that moment the supremacy of the nobles seems to have been uprooted, and new social orders established." [2] Thus, as always happened in Florence, even this great calamity proved advantageous to the people.

In consequence of these lamentable events, added to the reports sent by Cardinal da Prato to the Pope in Perugia, the Holy Father cited twelve leading magnates of Florence to appear before him there. Among the persons thus summoned were Corso Donati and Rosso della

[1] Villani, viii. 71.

[2] "Storia della Repubblica Fiorentina," vol. i. chap. 6, p. 116 (edition of 1875).

Tosa, once bitter enemies but now friends for the moment. They set out towards Perugia with a great train of followers, forming a mounted company of five hundred men in all. So the exiles considered this a most favourable opportunity for making a fresh attempt to re-enter their native city. As usual, it was rumoured that the Cardinal had encouraged them to expect a good reception; and it was further announced that he had instigated Pisa, Bologna, Arezzo, Pistoia, and the whole of Romagna to come to their aid. But although some of the exiles' direst foes were absent from Florence at the time, on the other hand, the position of their adversaries must have been considerably strengthened by the slaughter of the Cavalcanti and Gherardini. Likewise, although the Greater Guilds had once been induced to favour the return of banished men, and particularly those of the popular class, it was not to be expected that they would now be disposed to welcome exiles advancing on Florence under the wing of the Pisans, and joined with the Ghibellines of Tuscany and Romagna. This league with the enemies of the State naturally roused all Florence against them.

Nevertheless the exiles seemed very hopeful. Thanks to their new allies, they had contrived to collect an army of 9,000 foot and 1,600 horse, and on the 19th of July marched into Lastra, to await other reinforcements from Pistoia. These were to be commanded by Tolosato degli Uberti, a valiant Ghibelline leader, of an ancient Florentine house, persistently hated by the Guelphs, in memory of the rout at Montaperti. As Uberti failed to appear, the exiles resolved to move on without him; but the twenty-four hours' delay had sufficed to destroy their chance of taking Florence by surprise. In fact, only twelve hundred horse rode to the city in peaceful array, bearing olive boughs in their hands; and passing the unfinished girdle of new walls, halted beneath the old bastions, in the

Cafaggio fields, between St. Mark's and the Church of the Servi. There, on the 20th of July, panting from fatigue, without water, and exposed to the burning sun, they vainly waited for the gates to be opened to them. Meanwhile a small band of their men had managed to enter the city by forcing the Spadai gate, and advanced as far as Piazza San Giovanni. But instead of finding friends there, they were met by 200 horse and 500 foot, who drove them back, capturing some of their number, and leaving a good many wounded and slain. This gave the signal for a retreat, soon converted into a general flight. The force waiting at Cafaggio, exhausted from hunger and heat combined, had already thrown down their weapons and dispersed with "bands of volunteers" in pursuit. Many were killed or died of fatigue, others were stripped, seized and strung up on trees. News of the defeat reached Lastra before the fugitives returned; accordingly those encamped there took to flight, and although Tolosato degli Uberti met them on the way, he found it impossible to rally them to the attack. Among other narratives of the affair we have that of Villani, who witnessed all that occurred in Florence.[1] Dante Alighieri was not with the army at Lastra, having separated from his companions in exile shortly before, and almost in anger. He was probably disgusted by their hybrid alliance with all the enemies of Florence, by the secret agreements set on foot between Donati and the Cavalcanti, and saddened by the internecine slaughter so blindly provoked in the vain expectation of compassing the recall of a few banished men.[2]

[1] Villani, viii. 72.

[2] *Vide* the well-known words pronounced by Cacciaguida in Canto xvii. of the "Paradiso":

> "E quel che più ti graverà le spalle
> Sarà la compagnia malvagia è scempia,
> Con la qual tu cadrai in questa valle;

The victory at Lastra must have undoubtedly augmented the daring and power of the magnates. It may have been on this account that certain of their number now insisted on their names being erased from the rolls of the guilds.[1] Additional proof to this effect is furnished by another important event occurring on the 5th of August, 1304. One of the Adimari having perpetrated a crime, was brought before the Podestà to be judged. But his associates made a violent assault on that magistrate as he was leaving the Priors' palace, and after wounding or killing several of his escort, broke into the prison and rescued the criminal. Thereupon the Captain of the People, Messer Gigliolo da Prato, temporarily acting as Podestà (since the continual disturbances in the city had deterred every one from assuming that office), departed from Florence in high indignation. Accordingly, to provide for the due administration of justice, the Florentines were obliged to elect a committee of twelve citizens, one noble and one *popolano*, from every Sesto, to fulfil the duties of a Podestà.[2] Presently, however, the resumption of hostilities outside the walls reduced the city to quiet for a time.

V.

The exiles had again begun to scour the land, stirring neighbouring strongholds to revolt; and the Florentines

Che tutta ingrata, tutta matta ed empia,
Si farà contra te; ma poco appresso
Ella, non tu, n'avrà rotta la tempia.
Di sua bestialitade il suo processo
Farà la pruova, si che a te fia bello
L'averti fatta parte per te stesso."

("Paradiso," xvii. 61–69.)

[1] Del Lungo notes this fact (vol. i. p. 577), and observes that it was frequently repeated between 1301 and 1304.

[2] Villani, viii. 74; Del Lungo, pp. 578–9.

instantly marched against them. The first place to be attacked was the castle of Stinche, which had been incited to rebel by the Cavalcanti. Its reduction was easily effected (August, 1304), and all the captives were lodged in the new prisons, henceforth entitled the "Stinche." A more serious expedition had to be undertaken in 1305 against Pistoia, when it rose to arms in the Bianchi cause, aided by Arezzo and Pisa, and under the command of Tolosato degli Uberti. A long and vigorous siege was the result. The beleaguering force of Florentines and Lucchese was led by Duke Robert of Calabria, who, as Captain of the League, had furnished a large contingent of foot and 300 Catalan horse.[1] The town held out during the whole winter, but in April, 1306, the Pistoiese were compelled to surrender from famine. Their walls and towers were demolished, their territory divided between the Florentines and Lucchese. Pope Clement V. had vainly endeavoured to put an end to this war which dealt another cruel blow to the Tuscan Ghibellines. He was a native of France, had transferred the papal see to Avignon, and had no knowledge of Italy. Nor could Italy feel any love for an alien Pope who had deserted Rome. In fact, the Florentines declined to listen to the messengers of peace he despatched to their camp, and paid no heed to the interdict he launched against them. For although the Duke of Calabria withdrew, this was only a feint, seeing that he left them all his men under the command of Captain Pietro de la Rat. So the campaign was carried on to the end.

Nor did the other envoy of peace, Cardinal Napoleon Orsini, meet with any better fortune, for he was not only ill received in Tuscany and Romagna, but robbed of his goods and even in danger of his life. As for his excom-

[1] These Catalans, after fighting the Moors in Spain, scattered to different parts of the world, and refused to return to their own country.

munications, interdicts, and counsels of peace, every one laughed at them. The Florentines were determined to do the work thoroughly, and even before the conclusion of the war with Pistoia, started another expedition against the formidable castle of Montaccenico, chief stronghold of the Ubaldini, dominating the whole of the Mugello and serving as the exiles' headquarters. By dint of scattering bribes among the Ubaldini themselves, the Florentines finally won the castle by treason, and, after reducing it to ruin, immediately resolved to plant the towns of Scarperia and Firenzuola in its vicinity, "to serve as scarecrows to the Ubaldini, and harbours of refuge to faithful subjects." All willing to inhabit the little towns founded for that purpose, were to be exempt from every form of vassalage. The first stone of Scarperia was laid, without delay, on the 7th of September, 1307; but the construction of Firenzuola was postponed to a much later date (1332).

We must now consider what was the object the Republic had in view, and what it achieved by means of these continual campaigns, in which even the magnates took a part; what too by the reduction of Ghibelline cities, and the destruction of castles throughout the whole territory? On the one hand, its political predominance in Tuscany was rapidly increased, and new outlets for commerce acquired; while, on the other, the power of the magnates outside Florence was overthrown by the aid of those within the walls, who, in their blind fury against the exiles, did not realise what they were doing. The Florentines of old had demolished the castles, which at one time reached nearly to their gates; they had forced the barons to dwell in the city, had subjected them to republican laws, and lowered their pride by excluding them from the government. Profiting by their disputes, the citizens had next spurred them to destroy one another; and, in conclusion, were now making them turn their weapons against more distant nobles,

and overthrow the latter's strongholds in the Casentino, Mugello, and valley of the Arno. All this was invariably advantageous to the guilds and the people. Therefore, in 1306, while the Pistoian campaign was still going on, the Florentines reorganised citizen-armed bands under nineteen Gonfalonieri. This was the constitution of "the good Guelph people," a reform made, according to Villani, "in order to prevent the 'Grandi' and other powerful folk from presuming to show arrogance on the strength of having gained many victories over the Bianchi and Ghibellines." [1]

But this was not all, for the real gist of the new reform consisted in the law of the 23rd of December, 1306, by which the enactments were strengthened and an Executor of Justice was appointed to enforce their more rigorous application. The object of the law was clearly expressed by the introductory words explaining that it was intended "to preserve the liberties of the Florentine people, and break the pride of iniquitous men, which has swollen to such extent that our eyes fail to discern its limits."

In point of fact, the guilds showed no mercy to the magnates, even when fighting side by side with them against common foes. The "Executor" was required to be a Guelph, a man of the people, and a foreigner, *i.e.*, of non-Tuscan birth, from some city or place, subject to no lord, and not less than eighty miles from Florence. He was neither to be a knight nor a *law judge*, a prohibition caused by the growing hatred against *perverse judges* and fatal experience of recent Podestàs. The "Executor" was to remain in office for six months, and he was to bring with him one judge, two notaries, twenty *masnadieri*, or guards—all of whom were to be Guelphs and aliens—and two war-horses. His office

[1] Villani, viii. 87.

was to protect the people and all the weak against powerful personages, and to call the companies to arms whenever any crime should be committed, for the prompt enforcement of the penalties prescribed. It was to be his special duty to ensure the due execution of the Enactments of Justice, and whenever the Podestà or Captain failed to do their part, he was instantly to assume their functions according to the rules minutely laid down in the new law, that was henceforth an integral portion of the enactments.[1] He was likewise to deal punishment on all frauds and dishonest tricks practised in the offices of the Commune. Should the Podestà fail to demolish buildings (churches always excepted) in which conventicles or meetings had been illegally held, he was to enforce the said demolition, and impose a fine of 500 *lire* on the Podestà. Capital punishment was to be inflicted on all who held meetings, to plot treason against liberty or the popular government. In such case, if nobles were concerned the penalty was to be adjudged by the Podestà, and should the Podestà hesitate to act, the Executor was to mulct him as usual, and assume his functions. When the guilty were *popolani* the Executor alone was to condemn them to death and degrade their descendants to the rank of nobles. Likewise all *popolani* accessory to crimes perpetrated by nobles were to be condemned by the Executor to double the penalty prescribed by the common law. It was also the Executor's task to examine the actions of the outgoing Podestà and Captain, and he, in due turn, was subjected to investigation by persons appointed by the Priors and Gonfaloniers of the Companies.[2]

[1] This law is placed under rubric lxxxxiii. of the enactments. *Vide* Giudici, "Storia dei Comuni Italiani," vol. iii. p. 119 and fol. Florence, Le Monnier, 1864-66.

[2] Other clauses tending to increase the rigour of this law were added on to it in 1307, 1309, and 1324, as may be seen in Bonaini's edition, published in the "Archivio Storico Italiano," new series, vol. i., 1885.

VI.

Meanwhile the Pope's anxiety being stirred by the increasing agitation provoked by the Florentine exiles throughout Romagna and the Marches, as well as in Tuscany, again began to insist upon peace. But the person charged to open negotiations to this effect was Cardinal Orsini, a man of strong party feeling and doubtful integrity. For when at Arezzo in 1307, he had called there, in addition to the Florentine exiles, many adherents of his own from the adjoining States of the Church, thus assembling a force of 1,700 cavalry and a great number of foot soldiers. It appears that he had come to terms with Corso Donati and received money from him for the undertaking in view. Messer Corso, whose ambition was still unassuaged, had married a third time, and was now related, through his wife, with the Ghibelline lord, Uguccione della Faggiuola. This circumstance naturally exposed him to much suspicion on the part of the Guelphs, and accordingly, being even more angered and discontented than before, he was again bitterly hostile to Messer Rosso della Tosa and his followers, who in their turn, and as an inevitable consequence, had again combined with the wealthier burghers. Hence, the latter, on noting the Cardinal's preparations, and Donati's new manœuvres, speedily collected an army of 3,000 horse and 15,000 foot, and without further hesitation marched towards Arezzo, ravaging the enemies' lands by the way. Thereupon, by way of displaying his military tactics, the Cardinal directed his march on Florence through the Casentino. But as the Florentines outwitted him, by doubling back and reaching the city before him, he was obliged to retreat to Arezzo in a very crestfallen mood. He then opened negotiations

with the Florentines, who, feigning willingness to entertain his proposals, despatched two ambassadors to gull him with fair words. Compagni remarks that "no woman was ever more flattered and then abused by betrayers than he (the Cardinal) by those two knights." [1] So that all he could do was to go off with his tail between his legs, once more leaving the city under sentence of excommunication.[2] In revenge for this, the Florentines imposed fresh taxes on the clergy, punishing those who refused to pay.[3]

The worst sufferer was Corso Donati, for the Cardinal, after extracting money from him by promising to come to Florence to crush Della Tosa and his Black faction, had not even dared to approach the walls. But without acknowledging his defeat, Donati immediately plunged into fresh and more daring schemes. After a short absence from Florence, probably to gain funds and allies, he returned there in 1308. Increasingly blinded by party passion, counting on assistance from his father-in-law, Uguccione della Faggiuola, now lord of Arezzo, as well as from Prato and Pistoia, he called a meeting of his adherents in Florence. After explaining his hopes and vowing to do away with the Enactments of Justice, he urged them to draw their swords and make an end of those Neri, who, after receiving so much help from him and gaining victory by his means, now treated him so iniquitously. But the rumour being already abroad that he expected aid from that bitterest foe of Florence —the formidable Uguccione—the popular feeling against him was excited to the highest pitch.[4] After being repressed for some time the general fury burst out all at once, and took Donati unawares. Suddenly, on the 6th of October, 1308, the Signory sounded the alarm-

[1] Dino Compagni, iii. 18, p. 326. [2] Villani, viii. 89.
[3] Ibid. [4] Ibid. viii. 96.

bell, and the people, rising to arms, united with the Della Tosa faction, other friendly magnates, and De la Rat's Catalan troops. Donati was denounced to the Podestà, Piero della Branca of Gubbio, as a traitor to his country, and in less than an hour he was accused, tried, and condemned. Immediately afterwards, the Signory, Podestà, Captain, and Executor, with their respective familiars, the Catalan troops, knights, and citizen-trained bands, marched to St. Piero Maggiore to attack the Donati houses. But Messer Corso and his friends resisted so valiantly, that had Uguccione and the others fulfilled their promise of coming to the rescue in time, the affair might have taken an ugly turn. It is supposed that the Aretines were already on the march, when, hearing that all Florence had risen against Donati, they decided to turn back. At all events, no succour arrived, and Messer Corso soon found that even many of his Florentine friends had ceased to defend the chain barricades, and relinquished the struggle. Thereupon the people broke through, and soon demolished the houses he had been forced to abandon. Accompanied by a few devoted adherents, he fled from the town by the Croce gate, with the citizens and Catalans in hot pursuit. The first man captured on the banks of the Africo was Gherardo dei Bordoni, who was instantly slain. Next, the crowd cut off his hand and nailed it on the door of the Adimari house, because Tedici degli Adimari had first instigated the dead man to join with Donati. A few moments later the Catalans overtook Donati himself at San Salvi, and in obedience to orders killed him on the spot. According to another version of the tale, he first tried to bribe them to spare his life, but without success ; so, to avoid falling into the hands of his Florentine foes, he cast himself on the ground and was dispatched by a spear-thrust in the throat. The monks of San Salvi bore away his dead

body, and the following day buried him in the Badia without any pomp for fear of provoking the public wrath.[1]

The cause of this sudden and irresistible burst of popular fury is clearly explained by the letters which the Commune shortly addressed to the Lucchese, in whose territory the Bordoni had found refuge. "It is known to all Tuscany that the Donati had planned a war to the death, in order to give the city of Florence and the Guelph party into the hands of the Ghibellines, and subject to their yoke, to the utter extermination and destruction of the Guelph Government. Those rebels intended to break all bounds, and subdue the city to their rule, although Messer Corso and his followers shamelessly styled the Signory Ghibelline instead."[2] These words were written by the Signory in March, 1309. In fact, the Neri being split into Donati and Tosinghi factions, and the latter having united with the wealthier burghers, from whom could the Donati hope assistance, save from the Ghibellines? The lower class of the people was weak, and the distant Pope increasingly urged the return of the exiles. The latter had now combined with Donati's whilom allies, the nobles of the *contado*, standing aloof from many of the burgher Bianchi, who had been expelled at the same moment, but were gradually permitted to return; and they had also separated from all independent men, such as Dante Alighieri. The poet, in fact, being opposed to Donati, and a promoter of the Enactments of Justice, had been finally driven to adopt an individual attitude. Thus

[1] Villani, viii. 96; Dino Compagni, iii. 20, 21.

[2] Dino Compagni, iii. 20, note 29; Del Lungo, Introduction, p. 607. Prof. Del Lungo, the editor of these documents, does not believe that Corso was favourable at that time to the exiles and Ghibellines. Besides, the latter were no longer the genuine Ghibellines of older days. Therefore the Signory could have no motive for deceiving their friends, the Lucchese, and their letters are likewise corroborated by the previous events we have described.

the Bianchi, though exiled for having sided with the people, were now on the side of the magnates, the Ghibellines, Uguccione, and even of Corso Donati, the only person likely to profit by so hybrid an alliance. Accordingly his death had the immediate result of giving another terrible shock to the magnates' power, both within and without the city. Speedy proof was afforded of this when, at the beginning of 1309, the proud Ubaldini came to make submission to the Florentine Commune, promising to guard the passes of the Apennines, and supporting their offer by fitting guarantees of good faith. In consequence of this they were accepted as friends, with the condition, "that in every act and deed they should behave as good subjects and citizens."[1]

Throughout the whole of its history the Florentine Commune invariably adopted this plan when admitting nobles to its midst. But it had also the effect of enabling conquered and subject magnates to gain increased strength in the city itself. Therefore, first without and then within the walls, they unceasingly combated the people and the Republic, down to the distant time when they were finally crushed by the State. If Florentine prosperity as yet showed no signs of diminution during the sanguinary struggle now described, it was for two reasons which should be duly kept in mind. The successive conflicts we have narrated, all proceeded from the constant necessity of preserving the merchant-republic from the impact of the extraneous feudal body threatening to check its natural growth. These civil wars, however, were carried by a comparatively small number of citizens, eager to gain possession of a government that had far less influence on society than is generally supposed. The true motive-power of the Republic proceeded less from

[1] Villani, viii. 100.

the Signory, which was changed every two months, than from the commercial and political constitution of the guilds, which were firmly organised and, so far, thoroughly in unison. The conditions of an all-absorbing modern State, wherein every shock affects society at large, had not yet sprung to life in the Middle Ages. The Italian republics were miniature confederacies of separate associations, under a central government of so feeble a kind, that even when totally suppressed for a time, no great harm seemed to result from its loss.

VII.

Corso Donati's death put an end to the tragedy of which the expulsion of the Bianchi had formed the first act; and now the condition of all Italy, as well as Florence, was changed by a new event. This was the murder of Albert of Hapsburg by his nephew, on the 1st of May, 1308. Therefore the election of a new king of the Romans and future emperor was now imminent. Philip the Beautiful aspired to win the Imperial crown, if not for himself, at least for his brother, Charles of Valois, through the help of Clement V. As the Pope was residing in France, he could not directly oppose the design, but had certainly no intention of favouring it. With the Angevins at Naples, the Holy See transferred to Avignon, and Rome in revolt against him, the choice of a French emperor would have placed him entirely at Philip's mercy. Accordingly he gave secret support to Henry of Luxembourg, who was elected to the throne as Henry VII. on the 27th of November, 1308. This emperor, born on the French frontier, and educated in France, presented a combination of Germanic and Latin characteristics. As lord of a petty State, he had no real strength or power of his

own; but having great nobility of mind, and an imagination disposed to mysticism, he had formed a lofty idea of the dignity and might of the universal Empire that he hoped to restore to Rome. He seemed totally unable to comprehend that the feudal union of Germany and Italy, which had missed success even at the beginning of the Middle Ages, had become totally impossible now that feudalism itself, the principal basis of the Holy Roman Empire, was almost annihilated in Italy. Nevertheless, when Henry first raised the Imperial flag, enormous hopes were conceived by the Ghibellines, and rapidly spread throughout the peninsula. All men seemed to be suddenly stirred to genuine enthusiasm.

The Ghibellines of that day were no longer the Ghibellines of old, and in Italy the conception of the Empire had undergone a total change. The hostile attitude of the Popes towards republican freedom and independence; their persistent struggle against the Roman Commune; the fact of Clement V. being at a distance, in France, and weakly dependent on the French monarch; the necessity, now beginning to be generally recognised, of building up, from the ruins of old municipalities, new forms of government, such as were now arising in France and elsewhere; the revival of classical studies, enabling men to glean from the Republic and Empire of ancient Rome some literary conception of the unity and strength of the secular State required to meet present needs;—had all combined to transform the mediæval idea of the Empire. For now that France and other countries were detached from it, the Empire was no longer universal, but simply Germanico-Roman; while to Italian eyes it was beginning, though still very vaguely, to seem a revival of the old Rome that had always been the spiritual head of the civilised world, and the possible centre of an Italian confederated State. This idea was clearly expressed for

the first time in Dante's "Monarchia," which then served as the manifesto of the Ghibelline party. The same idea was afterwards more widely developed in the "Defensor Pacis" of Marsilio da Padova, and at a subsequent date inspired the fantastic enthusiasm of Cola di Rienzo. The latter's attempt—so lauded by Petrarch—to create a new Roman, Italian, Imperial Republic was a confused dream of scholastic, classico-humanistic, feudal, and mediæval ideas, but nevertheless a dream containing in embryo some vague conception of the future Italian State as it was already dimly foreseen, although with no comprehension of its real nature. Such as it was, however, this incoherent jumble of ideas became the standard of the Italian Ghibellines.

The Guelphs had no philosophical programme of their own to flaunt in return. The force of events, and the pressing need of maintaining the independence of Italian cities against Pope and emperor, was then the war-cry of the Florentine Guelphs. To Florence, the coming of the emperor signified the revival of the old Ghibelline party, consequently the revival of Arezzo, Pistoia, Pisa, and other hostile cities, all ready to compress her within a circle of steel, and strangle her commerce. For this reason she called on the Guelph cities, and all seeking to preserve freedom and escape foreign tyranny, to join in an Italian confederation, with herself at its head. It was, therefore, at this moment that the small merchant-republic initiated a truly national policy, and became a great power in Italy. So, in the mediæval shape of a feudal and universal Empire, on the one hand, and in that of a municipal confederation on the other, a gleam of the national idea first began to appear, though still in the far distance and veiled in clouds. Both sides fought eagerly for the interests of the moment, and both were inspired with the presentiment of a new future; but neither

discerned that this future was only to be attained by the destruction of the opposite party.

At this juncture the Pope seemed favourable to Henry VII., for he encouraged his project of going to Rome to assume the Imperial crown, and urged the Italians to accord him a good reception. Nevertheless—as the Florentines had known from the first—he could not wish to see Italy subject to the Empire, having too keen a remembrance of all that the Church had endured at the hands of Frederic II. Following, therefore, the traditional policy of the Roman Court, he simultaneously encouraged Robert of Naples, formerly Duke of Calabria, who, having succeeded to the throne at the death of King Charles II. (May 3, 1309), was naturally prepared to resist Henry's pretensions to the utmost. At first the Florentines appeared disposed to be passive lookers-on, but were not deceived by the Pope's pretence of encouraging Emperor Henry. They desired a closer alliance with Clement, but he too was very resentful with regard to their past conduct, and with some reason, secretly echoed the words of Benedict XI.: "Who could imagine that those men" (the Florentines) "should presume to be sons of the Church, while fighting against her?" But nowise dismayed by this, they treated with King Robert, who still allowed them to retain the services of Captain De la Rat and his Catalan horse, and now sent them his flag in addition. With the help of this contingent the Florentines made repeated attacks on Arezzo, refusing to desist even when Henry warned them to respect that city as a fief of the Empire. Their attacks were invariably successful, and they even forced their way into the town, but were prevented from holding it by the treachery of the magnates, as it was rumoured at the time.[1] All acts and decrees of the Commune

[1] Villani, viii. 118, 119.

bore the heading: "In honour of Holy Church and His Majesty King Robert, and to the defeat of the German king." [1]

VIII.

In 1310 Henry set out for Italy, leaving the affairs of Germany to his son's care. Louis of Savoy, the newly elected Senator of Rome, was sent on in advance, and reached Florence on the 3rd of July, accompanied by two German prelates. The latter were admitted to the council; but in answer to their request that Florence should prepare to receive the emperor with due honour, Betto Brunelleschi replied: "That the Florentines had never lowered their horns before any lord whatsoever;" and this somewhat indecorous response was sufficiently indicative of the public feeling. In fact the Imperial envoys, though everywhere well received, obtained nothing from Florence, and even failed to put a stop to the war with Arezzo. And when ambassadors from nearly every city of Italy sought audience of Henry at Lausanne, no Florentine envoys appeared. On the contrary, Florence was energetically preparing for defence; the new walls were raised about sixteen feet higher, and surrounded by moats from the Prato gate to that of San Gallo, and thence to the Arno.[2] On the 30th of September Robert arrived in Florence from Avignon, where the Pope had crowned him King of Naples, and likewise appointed him Vicar of Romagna, to prevent Henry from seizing that province which had recently seceded from the Empire. King Robert soon came to an understanding with the Florentines, and arranged measures with them for their common defence. Notwithstanding this, Henry continued to advance, heading all his decrees with the

[1] Compagni, "Cronica," iii. 35, note 26. [2] Villani, ix. 10.

phrase, *in nomine regis pacifici*, and assuming the part of a just and impartial judge. He summoned both Guelphs and Ghibellines to his side, promising equal welcome to all. He reached Susa by the 24th of October, and on the Feast of the Epiphany (January 6, 1311) assumed the Iron Crown in the Church of St. Ambrogio at Milan.

But in this city his dream of peace was disturbed by a sudden outburst of civil war. The Guelph Torriani were expelled by the Visconti before his eyes; and from that moment, being forcibly dragged into the vortex of party strife, Henry renounced his mission as peacemaker, and was again a German, foreign, and *barbarian* emperor. It was averred that the Florentines had bribed Guido della Torre to raise a rebellion, and that this was the cause of his expulsion. We have no certainty that this was the case, but it is an ascertained fact that they sent money, despatches, and envoys to Cremona, Lodi, Brescia, Pavia, and other Lombard cities, and succeeded in stirring them to rise against Henry.[1] They also sent ambassadors to Naples, France, and more particularly to Avignon, where they lavished heavy bribes on the officials of the Curia, for the purpose of learning when the Pope spoke truly or falsely. On all sides they displayed such feverish activity that one day the Cardinal da Prato exclaimed in the presence of the French king: "How great is the insolence of these Florentines in daring to tempt every lord with their lousy small coin!" [2]

Even in crises such as these the magnates of Florence could not lay aside their animosities, but continued to disturb the city by fresh riots now and then. In February, 1311, the Donati murdered Betto Brunelleschi, whom they considered responsible for Messer Corso's death, and immediately afterwards disinterred the latter's

[1] Villani, ix. 11. [2] Compagni, iii. 32.

corpse at San Salvi, and reburied him with due pomp now that he had been avenged.[1]

Nevertheless, order was quickly restored, since there was little leisure for private feuds, and men's minds were absorbed in graver concerns. At the beginning of June, 1311, Florence, Pisa, Lucca, Sienna, and Volterra gave their formal adherence to the Guelph League, and swore to combine in armed defence against Henry. On the 26th of June the Florentines despatched De la Rat to Bologna with 400 Catalan horse, while the Siennese and Lucchese forwarded another contingent to King Robert in Romagna, where that monarch was harrying and incarcerating all the Ghibellines and exiled Florentine Bianchi who were then trying to stir the Papal cities to revolt.[2] And when it was rumoured that the king was seeking to make terms with Henry, the Florentines wrote to him, insisting on his entering Rome at once, according to his promise, and likewise warning him that they would stand no half-measures, and that if he delayed, or attempted any pact with the emperor, they would instantly withdraw their forces from the League. "Inasmuch as your Royal Majesty has repeatedly promised us to make no terms with the German king, but to supply us with an armed force and go in person to Rome to exterminate our common foe."[3] This missive had some effect, for Robert speedily despatched 400 horse to Rome under his brother John, who, with the help of the Orsini, soon won the chief vantage-points of the city. The king still feigned to act in the interests of the Empire; but no one was deceived by this pretence, and the Florentines were satisfied.

Meanwhile Henry, still faithful to his original plan,

[1] Villani, ix. 12. [2] Ibid. ix. 18.

[3] *Vide* the letter sent by Florence, June 17, 1311, in Gregorovius (3rd edition), vol. vi. p. 39, note 2.

and quite unconscious of the extraordinary change that was going on, had reduced Cremona to submission, and was now besieging Brescia, which opposed a more stubborn resistance. The "peaceful" monarch vented his rage on his prisoners and put one of the Guelph leaders to a most atrociously cruel death. But the Brescians still refused to surrender; the flower of the German army was perishing from sickness and wounds, and Henry's brother died of his hurts. During these days of slaughter, Florence wrote to the Brescians, saying, "Remember that the safety of all Italy and all Guelphs depends on your resistance. The Latins must always hold the Germans in enmity, seeing that they are opposed in act and deed, in manners and soul; not only is it impossible to serve, but even to hold any intercourse with that race." [1] At the same time they wrote to encourage other cities to make a stand and rise to arms. They summoned the Perugians "to shake off their bonds of vassalage, and proclaim the sweets of liberty"; repeating to all that, for their own part, they would unceasingly devote their arms, men, and gold to the task of resistance.[2] Also, for the greater reinforcement of the citizens and the Guelph party, they removed the ban from all exiles, probably well disposed to the Guelphs, only maintaining it against several hundred supposed Ghibellines, Dante Alighieri among the number. This modification of the Law of Banishment was known as the Amendment of Baldo d'Aguglione, one of the Priors by whom it was passed on September 2, 1311.[3]

Meanwhile, after an heroic defence, Brescia was forced to accept terms of surrender, whereupon Henry immedi-

[1] Bonaini, "Acta Enrici VII.," ii., lv., lxxxvi., Florence, Cellini, 1877.
[2] Ibid. ii., xcviii., xcix.
[3] Published in the "Delizie degli Eruditi Toscani," and given more completely in Prof. Del Lungo's "Dell' Esilio di Dante," &c., p. 107 and fol.

ately set out towards Genoa, entering that city on October 21, 1311. Here, though deeply grieved by the death of his wife, he allowed no delay in the necessary preparations for continuing his journey to Rome by the Pisan route. And, being informed of this, the Florentines redoubled their efforts. They strengthened the garrison of San Miniato al Tedesco, recalled from Bologna De la Rat and his troops, despatched reinforcements to Lucca, Sarzana, Pietrasanta, and the fortresses in Lunigiana, and the western Valdarno.[1] But remarkable as it may seem, they never neglected the interests of their trade, even at this critical time. In fact they chose this moment to address the King of France, explaining the serious difficulties in which Henry's descent had involved them, and lamenting that the present war should have led His Majesty to take measures hurtful to the interests of their merchants, upon whom the prosperity of Florence so largely depended, "*cum Civitas nostra ex predictis Florentinis ex maiori parte consistat.* You have always hitherto protected them," they said in conclusion, "and our chief hopes are placed, after God, in your Majesty, especially now that Henry threatens to go to Pisa and march against us, *qui firmavimus et parati sumus nostram quam a vobis et a vestris recognovimus, defendere libertatem.*" They likewise besought the king to order matters in such wise, that their trade with France might be pursued without interruption, even during the war.[2]

Meanwhile the emperor had despatched another embassy to Florence, composed of Bishop Niccolò of

[1] Villani, ix. 21, 24, 26, 29.

[2] "Ita quod ipsi Florentini possint uti, pro eorum faciendis negotiis et mercationibus, regno vestro, non obstantibus novitatibus antedictis." This letter is dated 1311, and though the month is not indicated, it alludes to Henry's arrival in Genoa as a recent event. *Vide* Desjardins, "Négociations diplomatiques de la France avec la Toscane," vol. i. p. 12 and fol.

Botrintò, and Pandolfo Savelli; but when these envoys finally reached Lastra, after encountering many mishaps by the way, they were not only robbed, but placed in mortal danger. The bells rang the alarm at their approach, armed men poured into their lodging, and the Podestà and Captain of Florence arrived barely in time to save their lives. Accordingly, by the advice of those functionaries, the strangers quitted the town in the utmost haste.[1] Thereupon (20th of November, 1311) the emperor cited the Florentines to appear before him in Genoa to tender apology and submission. Then, finding that — as was to be expected — they disregarded his summons, he placed their city under the ban of the Empire.[2] Even this was received with the same indifference as the interdicts of the Pope. But recalling their merchants from Genoa, they hastened their preparations for war.

The magnates now gave another proof of their irrepressible turbulence. Precisely at this moment, and heedless of the grave danger menacing the Republic, they plunged the city in disorder with their private feuds. On the 11th of January, 1312, Pazzino de' Pazzi, one of the leading men, and much beloved by the people, was set upon and killed, as he rode to the chase, by Paffiera dei Cavalcanti, to avenge the loss of Masino de' Cavalcanti and Betto Brunelleschi, whose murder was attributed to Pazzi. The victim's body was carried to the Priors' Palace, and the indignant people rising to arms, marched under their own banner to the Cavalcanti houses, and burnt them to the ground. As the speediest way of checking these tumults, the Signory exiled the Cavalcanti at once, con-

[1] The Bishop of Botrintò gives an account of his strange and perilous journey in his work, "De Henrici VII. imperatoris itinere italico." This is to be found in Muratori, R. I., and has been recently republished by Doctor Heyck (Innsbrück, 1888).

[2] Villani, ix. 26–29; Del Lungo, p. 632.

ferred knighthood on four of the Pazzi family, and presented them with certain lands and property in the gift of the Commune.[1] Thus, even at this juncture, order was soon re-established.

IX.

During this time Henry was preparing to go to Rome. In the Imperial camp minstrels were chanting the piteous tale of Conradin's death, and the popular muse of the Ghibellines continued to shower laudatory greetings on the just judge, the celestial peacemaker. Men of letters, poets, jurisconsults, and philosophers persisted in regarding Henry as the new redeemer who was to restore the Imperial crown to Rome, give Italy freedom and peace. Cino da Pistoia cried, "Nunc dimittis servum tuum, Domine, quia viderunt oculi mei salutare tuum."[2] But Dante Alighieri was the most exultant of all, for at this moment he was virtually the chief representative of the Imperial party in Italy. On Henry's first approach to the Alps he had addressed an epistle to the princes and governments of Italy, exclaiming, "Hosanna to thee, suffering Italy, now wilt thou be envied of all, for 'Sponsus tuus et mundi solatium et gloria plebis tuæ, clementissimus Henricus, Divus et Augustus et Cæsar, ad nuptias properat.' Let the oppressed rejoice, for their redemption draweth near. Let all who have endured injuries like unto mine forgive and grant pardon, for now the Shepherd that cometh from God will lead us all back to the fold."[3]

[1] Villani, ix. 33. The fact of making the Pazzi knights by way of compensation, serves to prove that the title of *cavaliere* was already losing its former significance. For, at the close of the thirteenth century, when used as a sign of nobility, possession of this title helped to exclude a man from the Government. [2] Perrens, vol. iii. p. 145.

[3] This letter was written about the end of 1310 and beginning of 1311. It is No. v. of the Fraticelli edition.

Afterwards, however, when Henry was about to march on Cremona, and the Florentines had already declared openly against him, Alighieri's joy turned to wrath, and from the source of the Arno in the Casentino hills, he wrote another epistle, dated 31st of March, 1311, and addressed, "*Scelestissimis Florentinis.* Know ye not, God hath ordained that the human race be under the rule of one emperor, for the defence of justice, peace, and civilisation, inasmuch as Italy was always a prey to civil war whenever the Empire lapsed? Do ye dare, ye alone, to cast off the yoke of freedom and seek for new kingdoms, even as though *alia sit florentina civitas, alia sit romana?* Most foolish and insensate men, ye shall succumb perforce to the Imperial eagle. Know ye not that true liberty consisteth in voluntary obedience to Divine and human laws? Yet while presuming to claim liberty, ye conspire against all laws!"[1]

Then, when instead of marching forward, Henry tarried in Lombardy, to attack the cities stirred to revolt against him by Florence, Dante's indignation rose to its highest pitch, and on the 16th of April of the same year he addressed another epistle to the emperor, saying, "Men declare that thou dost waver in thy purpose, and wouldst turn back from it, disheartened. Art not, then, the man expected by us all? When my hands touched thy feet, I exultantly cried, 'Ecce Agnus Dei, ecce qui abstulit peccata mundi.' Why tarriest thou? If thine own glory move thee not, let thy son's, at least, stir thee.

> "Ascanium surgentem, et spes hæredis Tuli
> Respice, cui *regnum Italiæ*, romanaque tellus
> Debetur. . . . (Æn. iv. 272.)

What may it profit thee to subdue Cremona? Brescia, Bergamo, Pavia, and other cities will continue to revolt

[1] Epistola vi. of the Fraticelli edition.

until thou hast extirpated the root of the evil. Art ignorant mayhap where the rank fox lurketh in hiding? The beast drinketh from the Arno, polluting the waters with its jaws. Knowest thou not that Florence is its name? Florence is the viper that stings its mother's breast, the black sheep that corrupts the whole flock, the Myrrha guilty of incest with her father. In fact it is Florence who rends the bosom of the mother-Rome, that created her in the likeness of herself, and violates the commands of the Father of the Faithful, who is agreed with thee. And Florence, while contemning her own sovereign, sides with an alien monarch and others' rights. Delay no more, but haste to slay the new Goliath with the sling of thy wisdom and the stone of thy might."[1]

This semi-scholastic, semi-Biblico-classical, and often inflated language, admirably represents the ideas of the period, and proves the excited state of Dante's mind. He was undoubtedly the first to put clearly into words the new Ghibelline theory that had been gradually developing and maturing in his mind ever since he had indignantly parted from his fellow-exiles, and turned to solitary study. Although, as we have already remarked, this new conception—more amply developed in Dante's "Monarchia" — was certainly theoretical and literary rather than practical, it was deeply rooted nevertheless in the thought of the period, and the work devoted to its disclosure already shows, by unmistakable signs, that the spirit of the age was about to be transformed. In reading the "Monarchia" we are often plunged back in the Middle Ages, but the pale gleaming of a new dawn often shimmers before our eyes. "The Empire represents the law upon which human society is firmly based; it is derived accordingly from God, the source of the Imperial, as of the Papal power." In this we may already

[1] Epistle vii.

discern the conception of an independent secular society emancipated from the Church, and thus the idea of a State founded upon law—an idea inspired by ancient Rome, and suggested by new practical needs—is first put into words at the close of the Middle Ages which had denied its possibility. But even Dante failed to see that the new State must be intrinsically national, neither could he perceive that the universal Empire he invoked, and now represented by Henry VII., was precisely what made it impossible for that State to be formed. Thus the novel and almost prophetic portion of his book is neutralised by its theoretic and scholastic elements. The independent secular State, foreseen by his lofty intellect, was indeed bound to triumph; but its victory implied the destruction of the mediæval Empire of which his book was intended to be the apotheosis. On the contrary, the "Monarchia" became its epitaph, as some one has justly remarked. Nevertheless, some vaguely distant conception of the State, and even of the national State, occasionally flashes forth in Dante's book, though still battling with the mists of revived classic lore. The Empire is not, in fact, to be separated from the Eternal City that gave it birth, and or which it is the heir. Rome, the natural and permanent seat of empire, was to be restored to her ancient grandeur by the coming of the emperor. Also, were not Rome and Italy one and the same thing? Henry VII. was the representative, not only of law but of peace, freedom, and civilisation, therefore by him Italy's woes would be brought to an end, and Italy's freedom guaranteed. Was not Henry the master of the world? Hence he could desire nothing more, and could not fail to be the just lord and father of all, respecting every legally acquired right and jurisdiction. But it was precisely the emperor's yearning to be lord of all men and all things that was so opposed to the national spirit that was already begin-

BOTTICELLI'S ILLUSTRATION OF CANTO XVIII. OF THE INFERNO,
pp. 200-201.

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ning to stir many minds, and that—if almost unawares —Alighieri was so earnestly lauding, while practically denying it by imploring the resurrection of the Empire.

This contradiction gave a truly tragic hue to Dante's mental state at the time. He was profoundly sincere, profoundly persuaded of the truth of his ideas. Inflamed with holy wrath against all supporters of the Pope and the Angevins, mindful of the deeds he had seen committed in Florence by Boniface VIII. and Charles of Valois, he had a premonition, amounting almost to second sight, of the numerous calamities to be wrought upon all Italy by the obstinacy of his opponents. But he failed to see that his own political theory would have thrust Italy back into the feudal Middle Ages, neutralising the work of the communes and the result of the prolonged struggles, in which he himself had been recently involved. The conflicting emotions stirring within him found vent in the "Divine Comedy" depicting two different and often contrasting worlds, and wherein the past is touched and transformed by a new spirit, made the source of a new future, new art, new literature, and new civilisation. In this great poem the reality of human passions and human life breaks through the mystic clouds of the Middle Ages, and finally disperses them for ever. Therefore philosophers and historians may find in the poem all the constituents of an age in which one form of society was dying out, and another springing, almost visibly, to life. But although the conflict of thought in Dante's mind might produce immortal verse, it could not possibly create any efficient political system.

On the latter point the advantage lay with the Florentines, inasmuch as they always clung to actualities and the needs of the moment. They weighed and counted their bales of silks and woollens, and calculated the probable damage to their import and export trade from the triumph

of the Empire in Italy. They saw that it would inevitably ruin their commerce; and by assuring victory to their foes, *i.e.*, to the magnates, Pisans, and many petty Italian tyrants, would overthrow their own freedom and the government of the guilds. Was not this belief justified by the fate of Milan, Cremona, and Brescia? This was why the Florentines called the Guelph cities to their side, and in the name of Italy, freedom, and their common independence, united them all in a defensive alliance against the foreign foe. Nevertheless they had also leagued with King Robert and espoused the cause of France and the Pope, whose triumph was destined to prove fatal to Italian liberty and independence. As we have previously shown, the nation could only be built up on the ruins and by the destruction of both parties. The long and difficult course of historic evolution requisite to prepare the way for a distant future was then unknown to all. The Florentines only thought of securing present safety, and in this they were well advised and fortunate.

X.

Meanwhile that "crowned victim of his own fate," as Del Lungo calls Henry VII., continued his advance with untroubled self-confidence. The royal peacemaker felt no remorse at having drenched Italian cities in blood and disseminated discord. Not even the loss of wife and brother, the slaughter of his best soldiers, the desertion of numerous adherents, nor the scathing contempt of his foes availed to shake his self-assurance and certainty of success. Calm and composed as ever, he entered Pisa on the 6th of March, 1312, was welcomed with great pomp, and remained amid this truly friendly population until the 23rd of April. While at Lausanne he had already

BOTTICELLI'S ILLUSTRATION OF CANTO X. OF THE PURGATORIO,
pp. 202-203.

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received sixty thousand florins from the Pisans, and they now showed the sincerity of their submission to him by accepting new magistrates at his hands and promising a second gift of money equal to the first.[1] Neither did he feel the slightest alarm on hearing that the army of Robert's brother, Prince John, had gained reinforcements in Rome.

That prince had brought with him a force of over six hundred Catalan and Apulian horse, and had now been joined by two hundred of the best Florentine cavalry, led by De la Rat, who, in addition to his Catalan troops, had also collected one thousand foot. Fresh contingents had poured in from Lucca, Sienna, and other towns. The Capitol, the Castle of St. Angelo, and Trastevere, and all the fortresses were therefore held by the prince. And as a final stroke, the Neapolitan king, after first stating that he occupied Rome for the Empire, now declared openly against Henry. Nevertheless the latter continued his march with only one thousand horse and a body of infantry, and on the 7th of May, 1312, entered the Eternal City. He quickly attacked and won the Capitol; but in seeking to force his way to St. Peter's to grasp the Imperial crown, a real battle took place in the streets; and a *sortie* from Castle St. Angelo repulsed him with heavy loss. Nor would his coronation have been accomplished at all, had not the Roman people declared in his favour and by threats of violence compelled the prelates to disregard custom and perform the solemn rite in the Lateran Church on the 29th of June. But Henry was now obliged to recognise that even the Pope was adverse, when the latter commanded him to refrain from attacking Naples, to make a twelvemonth's truce with the king, to leave Rome on the day of his coronation,

[1] Gregorovius, vol. vi. p. 40; Perrens, iii. 172; "Cronaca di Pisa," R. T. S., xv. 985; Malavolti, par. ii. bk. iv. f. 66; Mussato, bk. i. rub. 10.

to renounce all rights over the Eternal City, and never re-enter it without permission. At last the Pope had dropped his mask, and the Florentines were proved good prophets. But at the very moment in which their Guelph policy triumphed, and the breach between Pope and emperor was so plainly revealed, the people proclaimed Rome an Imperial city and their Capitol the permanent seat of the emperor, whose authority was to be acknowledged as emanating from the Roman people alone. "Dum sola tribunitia, exterminatis Patribus, potestas adolevisset illo sub magistratu . . . omnia hæc parari Cæsari, ipsum evocandum in Urbem, vehendumque triumphaliter in Capitolium, principatum ab sola plebe recogniturum." [1]

Dante's own idea was now uttered by the voice of Rome.

At last, and after much hesitation, Henry decided to adopt the advice proffered by the great poet some time before, and went to lay siege to Florence. Crossing the Roman Campagna in August, his army was decimated by fever, and after the capture of Montevarchi and San Giovanni, he halted at Figline.[2] The Florentines, without good commanders and with most disorderly haste, marched a large force of infantry and 1,800 horse to the Castle of Incisa. But they then declined to accept battle, and the emperor continued his journey by another route, vigorously repulsing every *sortie* made from Incisa for the purpose of arresting his passage. On the 19th of September he invested Florence on all sides, establishing his headquarters at San Salvi. The citizens, having received no news from the army, were almost taken by surprise, but, snatching their weapons, hurried to the walls under the banners of the people, and accompanied

[1] Mussato, in Gregorovius, vi. 73, note 1.
[2] Villani, ix. 45, p. 170.

by their bishop, sword in hand, together with all his clergy. Two days later the troops sent to take the field against the emperor made their way back to Florence across country; reinforcements arrived from Lucca, Sienna, Pistoia, Bologna, Romagna, and in short from all the cities of the League. Thus, Villani tells us, an army was collected of 4,000 horse and innumerable infantry. The Emperor having only a force of 800 German knights, 1,000 Italian horse, and a considerable body of foot, was merely able to ravage the land. Fortunately for him, the year's harvest had been so abundant that there was no difficulty in provisioning his troops. Even now, in spite of their great numerical superiority, the Florentines still shrank from attempting a pitched battle; but inside the town they felt so completely secure that they only closed the gates facing the emperor's camp, leaving the others open to traffic as in times of peace. This state of things lasted to the month of November, but then Henry's patience being altogether exhausted, he raised the siege and set out for Poggibonsi and Pisa. The Florentines started in pursuit, and attacked him several times on the road, with varying results. The emperor tarried at Poggibonsi to the 6th of March, 1313, without provisions, or funds, and his army was so reduced that his cavalry had dwindled to 1,000 horse. Nevertheless he continued his march, and although, according to Villani, his assailants were four to one, he contrived to fight his way to Pisa, and arrived there on the 9th of March.

At this time, although his health was ruined by mental worry and bodily hardship, his purse emptied, and his army melted away, the emperor was still calm and hopeful. In Pisa he made many attempts to pursue the war by legal devices: depriving the Florentines of their judicial rights, dismissing their judges and notaries, imposing

heavy fines, and condemning many of their citizens to confiscation and punishment. And regardless of the fact that these sentences had no effect, he continued to launch them as before. He prohibited the Florentines from coining money, while permitting Ubizzo Spinola of Genoa and the Marquis of Monferrato to fabricate within their own territories false florins marked with the Florentine stamp. Naturally an act so damaging to the public credit provoked severe blame.[1] He condemned King Robert as a traitor to the Empire, and made alliance with Frederic of Sicily and the Genoese. He also determined to march against Naples, although the Pope had threatened excommunication on any one attacking that kingdom, which was considered a fief of the Church. Burning with zeal for this new enterprise, he demanded money and men from Lombardy and Germany. He was thus enabled to collect 2,500 foreign and 1,500 Italian horse, besides an army of foot soldiers. Seventy galleys were equipped by the Genoese; fifty by King Frederic. The Pisans, who had already sacrificed everything to his cause, managed to furnish twenty galleys. He also obtained a certain amount of money, and set off on the 8th of August, 1313, with some reasonable hope of success. But his sudden death at Buonconvento, on the 24th of May, brought everything to an end.

On the 27th of the same month the Florentines exultantly announced to their allies that "Jesus Christ had procured the death of that most haughty tyrant, Henry, entitled King of the Romans and Emperor, by the rebel persecutors of Holy Church, to wit, your Ghibellines and our foes."[2] During Henry's life they had conferred the lordship of Florence on Robert for five years, and now stretched the term to three more, on the well-understood condition that their free, Guelph,

[1] Villani, ix. 49. [2] Bonaini, *op. cit.*, ii., ccclxv.

and popular government should be left intact. All they asked from him was a military leader bearing the king's flag, acting in his name, contributing a few sturdy men at arms, and competent to take command of the citizen army in order to protect the Republic from possible attacks on the part of Pisa or Genoa, and against Ghibelline captains such as Uguccione della Fagguiola and others. Pisa and Uguccione were their most dreaded foes. The latter, indeed, had already hired one thousand of Henry's soldiers, composing the first of those Free Companies destined to speedily become the real scourge of Italy.[1]

The Pope, now reduced to be the slave of France, threw himself into the arms of King Robert, and named him Senator of Rome, thus causing the return thither of Angevin vicars. As the Pontiff hoped to be able to assume the authority of the Empire during the interregnum, he annulled Henry's decree against Robert, and appointed him Imperial Vicar in Italy for a term extending to two months after the election of the next emperor.

Notwithstanding Robert's augmented power and his lordship over their city, the Florentines were now vastly improved in strength, both morally and materially, since they had foreseen future events far more accurately than others, had been the chief authors of all that had occurred, and were the friends and allies of those who had triumphed with them. The people were substantially supreme; the magnates were overthrown; and trade which had gone on uninterruptedly during the war, attained more vigorous development now that peace was restored. But what had become of the Guelph Federation, and of the name of Italy invoked to call it into being? All had vanished in a flash. The very fact of the Florentines now feeling

[1] Gregorovius, vi. 89.

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compelled to crave protection from a king, clearly proves that their vast prosperity, notwithstanding the Republic, had neither sufficient self-reliance nor strength to preserve its independence unaided. This state of things necessarily involved new complications and new dangers which could be in no case long averted. The Italian Commune was doomed to decay; the modern State destined to be born; but the moment of its birth lay beyond a period of oppression. The same fate was already distantly impending over Florence.

After Henry VII. was dead, both the nature of the Empire and its relations with Italy were changed. So, too, the Pope's alliance with France radically transformed the attitude of the Papal power towards the Italian communes, for it became increasingly hostile to their freedom and independence. The Middle Ages had come to an end, and an entirely new epoch was now opening in the history of Florence and of Italy in general.

THE END.

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REMARKS ON THE CHRONICLE ATTRIBUTED TO BRUNETTO LATINI.

In Vol. I. of the present work we gave some account of the Chronicle attributed to Brunetto Latini, and of the critical studies recently devoted to it. We now add a few words to explain the reasons inducing us to publish it. This Chronicle of the closing years of the thirteenth century has been long known to the world, and the fact of its comprising the oldest and most complete list extant of Florentine Consuls and Podestà quickly established its importance. For that list begins from 1180, whereas the other included in Fineschi's "Memorie Storiche," &c. (Florence, 1790) only dates from 1196. Without the Chronicle it would be impossible to fill up the gap, even by means of public documents, since very few papers of the period between 1180 and 1196 are now extant. Our chronicler was evidently acquainted with some which were subsequently lost.

Accordingly the "Cronica" naturally claimed the attention of historians and men of learning. In fact both Ammirato ("Storie Fiorentine") and Padre Ildefonso ("Delizie," vii. 137) used the list of Consuls and Podestà; and the indefatigable writer, Senator Carlo Strozzi, reproduced it in full, together with some portions of the narrative. Later on, in 1832, L. M. Rezzi, librarian of the Barberini Collection in Rome, edited the same list taken from a seventeenth century codex preserved in that library, together with some items of the years

1210, 1213,[1] and, above all, a narrative of the well-known Buondelmonti affair (1215), very different from that bequeathed us by Villani. Following the indications supplied by the Barberini MS., Rezzi entitled this work, "Storietta Antica : Credesi di S. Brunetto Latini." Even the now perished manuscript used by Padre Ildefonso bore the inscription : "Cuius auctor dicitur S. Brunettus Latini." But by whom and for what motive the man supposed to have been Dante's preceptor was first made responsible for a Chronicle relating events subsequent to the presumed author's decease, we are unable to decide. Nevertheless, the fact of its being attributed to Latini proves the recognition of its antiquity and importance.

It might therefore be natural to inquire why no one should have thought of publishing it until now, when so many bulkier and less ancient chronicles have been already brought out? The answer is only to be gained by studying the Chronicle in the codices in which it is embodied. As previously shown there are two of these codices : firstly, the mutilated Autograph MS. beginning at sheet 39, where the first list of Consuls given is dated 1180, and allusion made to the pontificate of Alexander III., whose election took place in 1159 ; and secondly, the Gaddi MS., a fifteenth century copy, giving the entire Chronicle, beginning from "Gesù Cristo primo e sommo pontefice," and the Emperor Octavian. In the latter codex the chronicle recounts the lives of Popes and emperors down to 1249, and then skipping a period of about thirty-five years, resumes the narrative in 1285 and carries it down to 1303, or more strictly speaking to 1297, since one item only (in a later handwriting) refers to 1303,

[1] Here, as also in the Gaddi Codex, the notice of Count Guido Vecchio's death is dated 1217, whereas in the Autograph (*vide* Chronicle, p. 43) it is dated 1210 instead.

followed by the heading of the year 1316,[1] with the words "John XXII. . . ." Here it breaks off.

This manuscript is evidently a rough and incomplete draft, with various unfilled gaps, one, as before mentioned, extending from 1249 to 1285, and another from 1220 to 1226, indicated in the Autograph Codex by three blank sheets. The work may be divided into three parts, each of a distinct character. The first part, which is longer than both the others together, comes down to about 1180. It is entirely missing from the mutilated Autograph Codex, and is merely an Italian summary of the Latin text of Martin Polono's lives of Popes and emperors, giving no information respecting Florence, excepting the few paragraphs devoid of historical merit reproduced in the accompanying footnote.[2] The second part, running from 1180 to 1249,[3] continues the summary of Polono's work, with the addition of many notes of Florentine events. Examin-

[1] This date and the Pope's name were added at a still later date, and are contained in the Autograph Codex alone.

[2] "Anni Domini xlv.—The blessed Apostle Peter . . . sent the blessed Romolo to Fiesole. . . .

"Anni Domini cij.—At this time, in the city of Florence, in Tuscany, the pagans erected a temple all of marble, for the worship of idols; and it was built in eight tiers, was seventy-nine *braccia* in height, quite round and encircled by marble columns.

"Anni dxxv.—John I., native of San Casciano in the Florentine territory.

"Anni dixxxvj.—This Emperor Maurice marched his army against the city of Florence in Tuscany and engaged battle there.

"Anni dixxxxj.—This man (Maurice) marched against the city of Florence in Tuscany, and encamped at Chafaggio del Vescovado near the church of San Lorenzo, and was then captured and his army routed by the Florentines on the Feast of Sancta Riparata; and in honour of this victory the church of the blessed Sancta Riparata was built; and a monument was made for the Lamberti in the bell tower of the church; and it was decided to bury them on horseback, inasmuch as they had borne the Gonfalon of the people's liberty against the said Maurice. Then he (Maurizio) died a captive in the said city, and was buried in a marble tomb with graven figures, in the church of San Giovanni."

[3] We have already remarked that, after giving the Consuls of 1180, the chronicler goes back a few years.

ing this part in the Autograph MS., where it is given almost in entirety, *i.e.*, from 1181, the author's method of compilation becomes clearly apparent. He uses the middle column for the continuation of the summary begun in the first part, but jots down such details of Florentine events as he was able to collect on the wide margins to right and left. And it would seem that as an aid to memory, he tried to vary his handwriting according to the different sources from which his information was derived. But, in the Gaddi Codex, on the contrary, the whole was joined and put together, probably by the scribe employed to copy it from the Autograph MS. This may also be inferred from the uncertain and hesitating manner in which some of the different fragments were brought into connection.

It is impossible to say why, on reaching the year 1249, the chronicler then leapt to 1285. It is probable that living, as he tells us, in 1293, he may have started his narrative from the year 1285, intending to write a mere chronicle of contemporary events of which it was easy to obtain fuller and more exact details. Pursuing this hypothesis we may consider that, on coming down to the actual moment at which he wrote, he may have formed the idea of beginning afresh, and, starting from the times of our Saviour, planned the compilation of a vaster work. But failing to discover any account of Florentine matters before the year 1180, he could only give a summary of Polono's Universal History, tacking on to it from 1181 downwards all the Florentine details he was able to gather. Having reached 1249, he may have been prevented by death or some slighter obstacle from pursuing this second part of his work, which therefore remained unfinished, in the same way as the third and final part, which, although treating of later events, was the first to be written. Whether this theory of ours be approved or rejected,

it is certain that the concluding portion of the Chronicle is of a totally different nature from all that goes before. For it not only contains plenty of Florentine details, which by the testimony of the Autograph MS. were evidently interwoven throughout with the summary of Martin Polono, but even this summary is now degraded to a secondary place, and the whole constitutes a genuine Florentine Chronicle. The scribe who collected all these sheets at a later period, numbered them in regular succession, without paying any attention to the gap of thirty-five years.[1]

All this serves to explain why no one felt inclined to publish a Florentine Chronicle more than half consisting of a mere epitome of Martin Polono's well-known work, of which copies, translations, and compendiums had already been made; while the Chronicle itself was so compiled as to seem little else than an unfinished draft, and almost a collection of rough notes. It is true that even Villani and the pseudo-Malespini began by transcribing and epitomising Martin Polono; but they also referred to other sources of mediæval history, and assigned far less space to Polono in their works, which therefore soon became genuine Florentine chronicles, of a far more correct and polished kind. We may also remark that even in their first pages they included traditions, legends, and fables on the origin of Florence, and, in Villani's case, likewise scraps of information derived from ancient Latin writers, and particularly from Sallust.

At any rate it is well ascertained that the Chronicle attributed to Brunetto Latini was not only left unpublished, but that gradually all trace was lost of the codices containing it. Nothing remained known save the list of

[1] This refers to the old numeration, since the other and more modern numbers were affixed when the different sheets of the codex were put together haphazard.

consuls and Podestà, together with the narrative fragments previously reproduced by Signor Rezzi.[1] At a later time, when investigations as to the origin of Florence were once more resumed, fresh search was made for the manuscripts of the Chronicle. We have spoken elsewhere (early in Vol. I.) of the labours undertaken by Hartwig, Santini, and Alvisi. The first of the trio, who really started the search, published in his "Quellen und Forschungen" all the particulars of Florentine events to be gleaned from the portion of the Chronicle contained in the Autograph MS. he had recently unearthed. Professor Santini and the Librarian Alvisi, in junction with Dr. Rödiger, then undertook all the requisite studies for thoroughly editing the Chronicle, transcribing it from both MSS., and producing a printed version fully annotated, illustrated, and verified. It is to be deplored that this work, although nearly completed many years ago, should still remain unpublished. Nothing more has been heard of it. Hence, after having long awaited and even urged its publication in vain, I considered that pending the appearance of an authenticated, complete, and annotated edition of this Chronicle, it might be well to make it known to students in some other way; and I decided to print it in a far simpler form, as an appendix to my work upon Florence. It reaches to the year 1297, embracing therefore nearly the whole period of Florentine history treated of in these "Researches," and is frequently quoted in them. Of late years numerous writers have often referred to this Chronicle, for whatever may be thought of its historical merit, it is undoubtedly the work of some precursor of Villani, and considered by some to have served him as a model. It also comprises various details which

[1] After Padre Ildefonso, Gori and Lastri also made use of the list he had extracted from the Chronicle; while Fraticelli reprinted the narrative of the events of 1215 in his "Storia della vita di Dante."

are lacking in his pages, and often describes identical events with new or varying particulars. The unfinished and imperfect shape in which it has come down to us has also the advantage of promoting our better understanding of the old Florentine chroniclers by giving ocular demonstration, as it were, of their actual method of compiling their narratives. Certainly, all this would be still better explained by a documentary edition or a phototype of the Autograph MS.; but these could not be included in our scheme. Our sole purpose was to publish a document we consider important as serving to illustrate and often confirm our narrative. Accordingly, we deemed it better to omit the whole of the first and lengthier part of the Chronicle, since it gives nothing but a meagre summary of Martin Polono, little different from those to be found in many other MSS., or even printed works, and says absolutely nothing of Florence. Accordingly, our printed version starts from the point where the first particulars of Florentine history begin.

The MSS. have been faithfully reproduced in print.[1] As it was necessary to make use not only of the Autograph Codex, but also of the much posterior Gaddi manuscript, for the part lacking in the former, we encountered two very different orthographies, and have reproduced not only their peculiarities, but even their errors whenever these were easily recognisable and likely to cause mistakes. But wherever it seemed necessary, we made corrections and indicated them in the footnotes. Words wanting in the original, owing to the sheets being torn, are added within brackets, after being collated with the Antwerp edition of Martin Polono (1574). Also we have occasionally consulted other texts, which are always explicitly mentioned in the notes. All gaps impossible to be filled up are marked by dots.

[1] It begins at p. 220.

We have frequently referred to the merits of Messrs. Hartwig's, Santini's, Alvisi's, and Rödiger's studies on the Chronicle. We must now thank our friend, A. Gherardi, the Florentine Archivist, for his valuable help in preparing this MS. for the press. He has employed his great experience as a paleographist, and his well-known power of exceptionally acute observation, in collating the printed versions with both MSS. of the Chronicle, and also contributed largely to the notes explaining and illustrating the text. Hence we gladly seize this opportunity of publicly expressing our gratitude.

CRONICA FIORENTINA

COMPILATA NEL SECOLO XIII

CRONICA FIORENTINA

COMPILATA NEL SECOLO XIII

Anni M. . . .

Arrigo secondo imperò anni xvij. Questi fu figliuolo di Currado primo, ma secondo altra oppenione elli fue suo figliuolo adoctivo e fu suo genero. Questi, vegnendo in Italia, prese per forza Pandolfo prencipe di Capova e fecelo mectere in prigione; e un altro il quale avea nome Pandolfo, simigliante, il qual era conte,* sí 'l confermò principe in luogo di lui.

In questo tempo, del mese di giugnio all'entrante, il decto Arrigo venne ad hoste sopra la città di Firenze, e puose suo campo, actendato di loggie, trabacche e padiglioni, nel piano del Cafaggio, del Vescovado di Firenze, fuori delle mura di San Lorenzo,† con exercito grande di popolo e di cavalieri.‡

* "Comes Theatinus" in *Chronicon Martini Poloni*, ed. cit., pag. 354.

† La chiesa di S. Lorenzo, ch' era allora fuori delle mura.

‡ Questo è l'assedio posto a Firenze dal quarto (o terzo) Arrigo, e non dal secondo, l'anno 1080. Potrebbe a prima giunta credersi che nell'Autografo fosse un'aggiunta marginale, e che il copista lo mettesse qui fuori del luogo suo. Ma dal trovarsi in seguito ricordato, più succintamente, il medesimo assedio anche sotto l'anno 1080, pare si possa argomentare esser questo un anacronismo dello stesso autore.

Allora i Fiorentini uscirono fuori armata mano e combacterono con lui e colla sua gente; e infine elli fue vinto e sconficto, e molti de' suoi vi rimasono morti, fediti e presi. Ma elli campò fuggendo innaverato.* E de' Fiorentini pochi morirono, ma gran quantità ne furono fediti: ma tucti sanavano per la virtù d' un bagno ch' era nel decto Cafaggio e presso alle mura; la quale acqua usciva per condocto del monte di Fiesole. E questo bagnio fu trovato e facto al tempo de' Romani, quando hedificarono la città di Firenze. La quale acqua guariva certe malactie e etiandio i lebrosi, e gli atracti stendeva, e li fediti sanava. E di questa victoria fare fu capitano messer Ugulino degli Ughi; i quali gentili huomini fondarono la chiesa di sancta Maria a Ughi in Firenze, e la chiesa di sancto Martino a Montughi: dov' elli fece la prigione di xxvij nobili huomini ch' elli prese nel predecto stormo, i quali molta moneta poi si ricomperarono.

Et allora nacque gran guerra tra loro e' Berteldi, di fedite e di morte, per una donna de' Lamberti che l'uno e l' altro guardava per amore; e finalmente ciascuno ne fu consumato d' avere e di persone.

In questo tempo il principe Goctifredi di Buglione, mirabile duca, venne in Ytalia; e per li Romani fu cacciato da Roma ad Anania.

Nel decto tempo ad Roma fu trovato in una sepultura socterra uno corpo d'uno giogante morto e non punto calterito, con una scritta a capo in uno petrone di marmo, che diceva:—Questo giogante avea nome Pallanteo Brunocto lo figliuolo d'Ulandro.†—Et avea una fidita la cui apritura fu misurata iiij piedi e mezzo, e della sua grandezza era xvij piedi e oltre. E fulli trovato a capo socto il petrone una lucerna d' oro, che continuamente ardeva, la quale per vento né per

* Cioè ferito. † Così, invece di *Evandro*.

fuocho e per nullo modo si potea spegnere: lo quale fu morto per la lancia di Turno * giogante.

Ancora nel decto tempo, in Puglia, era una statua di marmo, la quale intorno al capo avea un cierchio di rame, nel quale era scritto :—In calendi maggio, levante il sole in tauro, il capo d' oro.†—Il quale verso intese e spuose uno savio huomo saracino del Levante, il quale era prigione di Ruberto Guiscardo. Elli puose mente nel segnio della libra, nel levare del sole, e notò il termine di quell' ombra; ove trovò molto tesoro, il quale egli gli diede per sua recuperatione.

In questo medesimo tempo le chiese di Francia fortemente furono conturbate per Berlinghieri del Torso, il quale falsamente affermava che 'l sacramento della Chiesa cioè dell'altare, che noi prendiamo, non è verace corpo di Cristo ma è figura del sangue di Cristo.

Anni Mlj.

Damaso ij, nato di Roma, sedecte papa dí xxij; vacò la Chiesa dí xj. Questi tenne et ebbe il papato per forza, e elli subitamente morí di subitana morte.

Anni Mlij.

Leone ix,‡ nato della Magnia, sedecte papa anni v, mesi ij, dí vj. I Romani per mala usanza adimandarono allo imperadore Arrigo, papa per sua auctoritade; e il decto Imperadore, non possendo niuno intendere né conducere che per sua mano volesse pigliare il papato, il Vescovo di Tulerse,§ huomo semplice e buono a queste cose: || il quale venuto ad Roma, e la

* Il testo ha "Terno."

† M. P., a p. 355: "Calendis maii, oriente sole, habeo caput aureum."

‡ Leggi ix.

§ di Toul (*Tullum*).

|| Invece di "a queste" l' orig. doveva avere *a questo*, e invece di "cose" un verbo che qui manca. M. P. (p. 357) ha "ad hoc inclinavit."

conscienzia sua rimordendoli forte che lla sua electione non era di ragione, rifiutò, e poi fu legictimamente e di ragione electo. Il quale poi, dopo la sua sancta e buona vita morí, e fu sepolto in San Piero honorevolmente.

Anni Mlv.

Arrigo terzo imperò anni xlviiij. Questi venne ad Roma dí xxv di maggio, e adsediò Tiberi dí iij di giugnio. Et in quest' anno fu per tucto il mondo quasi ad la croce di levante e alla fine del ponente, e dall' austa di meriggio insino ad la tramontana, fame e mortalità. Et in quest' anno morirono più genti che xx anni dinanzi passati. Nel tempo di costui apparve nel cierchio della luna, quando era piena, una stella chiarissima, e cominciò dí xiij inanzi calendi maggio.

Nel tempo di costui, Aldobrando cardinale della Chiesa, il quale fu facto poi papa Gregorio, fu mandato in Francia per legato. E faccendo processo in uno concilio contro a certi vescovi corrocti di simonia, e procedendo contro al Vescovo di ciò molto infamato, et essendo i testimoni per pecunia corrocti, i quali doveano dire contro a llui, e non possendo provare la verità, disse il Legato:—Con ciò sia cosa che la dignità del vescovo sia dono del Sancto Spirito, cessi in questo facto la inquisitione mondana e facisi la divina: perciò * chi prende vescovado non degniamente fa contro il Sancto Spirito.† La qual cosa sanza paura cominciò a ddire. Avendo decto *Gloria Patri et Filio*, non poté compiere *et Spiritui Sancto*, rifaccendosi piú volte da capo; ma privato e disposto del vescovado, pienamente poi il disse.

* Invece di *perciocché*.

† Qui è un salto del copista o dell' originale, che si supplisce con la citata Cronica del P., il quale a p. 358 scrive: "... contra Spiritum Sanctum facit. Si tu contra Spiritum Sanctum non fecisti, dic *Gloria Patri et Filio et Spiritui Sancto*" ec.

In quello tempo uno gentile e potente huomo, sedendo intra cavalieri in uno nobile convito, fu assalito da' topi che decti sono racti; per la qual cosa essendo i topi raunati sanza numero, niuno tocchavano se non solamente lui: onde per questa cagione fu portato in mare e messo in uno bactello e pinto infra l'acqua, e nonostante questo, tucti i topi del paese vi trassono notando per mare, e tucta la nave rodeano; e finalmente riposto in terra, da' topi fue tucto mangiato. E ciò sappiate, che del decto facto non è da maravigliare, perciò che si truova che in certe terre dove l'uomo è morso dal leopardo, i topi incontanente in quella parte abondano, e tucti gli pisciano adosso, sicché quasi vi fanno un lagho, per la qual sozzura sí ne seguita a questo huomo la morte. Ancora si truova che fu uno principe che per niuna medicina non si poteva aiutare che non fusse consumato da' mignacti, i quali in nostro volgare sono decti pidocchi; e chi gli chiama seme d' albero ritroso, cioè seme d' uomo.

Anni Mlvij.

Vectorio secondo, nato della Magnia, sedecte papa anni ij, mesi iij, dí xviij; vacò la Chiesa dí iij. Questi per paura dello Imperadore fu facto papa. Elli fece Concilio al tempo d'Arrigo imperadore, in Toscana, nella città di Firenze; e molti vescovi per simonia e per fornicatione dispuose della sedia. Questi andando in Francia, dallo Imperadore gloriosamente fu ricevuto, e presente lo Imperadore cadde morto.

Anni Mlviiij.

Stefano nono, nato di Toringia, sedecte papa mesi viiij, dí xxvj; vachò la Chiesa dí j. Questi fu il primo abbate di Montecasino, e morí nella città di Firenze in Toscana, e quivi fu sepellito, e nella chiesa di sancta Liperata, allato ad l'al-

tare di sancto Zanobi, a mano sinistra. Elli dannò ciò che l'altro Papa dinanzi avea facto, sicome heretico, e fece Concilio in Firenze; e fu sancto.

Anni Mlx.

Benedecto x sedecte papa mesi viiij. Questi, essendo vescovo, fu per forza chiamato papa, e poi fu cacciato.

Anni Mlxj.

Niccolaio secondo, nato di Borgognia, sedecte papa anni ij, mesi vj, dí xxvj; vacò la Chiesa dí x. Questi, essendo in Toscana vescovo di Firenze, in concordia de' cardinali, adpresso la città di Siena, fu facto papa. Elli fece uno Concilio di cxiij vescovi contro Berringhieri del Torso, il quale affermava che 'l sacramento dell' altare non era verace corpo di Cristo. E dicesi che 'l decto Berringhieri in ogni altra cosa fu savio e diricto huomo, salvo che in questo. Poi fu correcto di questo errore, e alla fine bene adventurosamente morí. Del quale ritractamento sí fa mentione il dicreto sancto ove dice *Ego Berringherius* etc. Poi il decto papa Niccolaio ad Roma santamente morí.

Anni Mlxiij.

Alexandro secondo, nato della città di Melano, sedecte papa anni xj, mesi vj, dí xxv. Questi, essendo vescovo di Luccha, in concordia de' cardinali, fu facto papa. Contro a costui si levò Caldulo * vescovo di Parma, e fu electo papa quasi da tucti i vescovi di Lombardia, dicendo e opponendo che non si poteva eleggiere papa se non del paradiso d'Italia. Il quale Caldulo venne ad Roma per due volte con grande hoste di

* Cadolo o Caldolo era il nome di questo vescovo; e cosí penso dovesse avere l' originale, e non "Calduco," come qui e appresso ha la copia.

popolo e di cavalieri, e per forza volle prendere il papato. Ma poi papa Alexandro, ad priego d'Arrigo imperadore, venne in Lombardia, e fece solempne Concilio nella città di Mantova, e quivi pacificò trall' uno e l'altro tucta la discordia. Tornò ad Roma, e morto, quivi fu socterrato nella chiesa de Laterano.

Nel decto tempo quelli di Normandia, per dispecto del Papa, occuparono lo reame di Puglia, ed in Campagnia * davano gran danno, e discacciarono per forza Goctifredi duca di Spuleto e la contessa Mactelda divotissima figliuola di San Piero. Questa contessa Mactelda fu di tanta potentia che collo Imperadore fece molte e molte bactaglie, e ebbe piú victorie. E ciò sappiate ch' ell' era ricchissima donna e di gran possessioni, e tucte l'oferse alla Chiesa del beato Pietro. E chiamasi ancora al giorno d' oggi il patrimonio di San Pietro.

Anni Mlxxiiij.

Gregorio vij, nato di Toscana del contado di Firenze, luogo decto Sangiovanni in Soana, sedecte papa anni xij, mesi j, dí iiij; il quale per la sua sancta vita da' cardinali fu facto papa. Questi fue preso dal figliuolo di Censo,† la nocte di Natale, quando cantava la prima [messa] a Sancta Maria a Presepe in Roma, e misselo in prigione nella torre sua. Ma i Romani di ciò furono fortemente adirati; et in quella medesima nocte presero per forza la torre e disfecerla, e liberarono il Papa di carcere, e cacciarono il figliuolo di Censo di Roma. Questo Papa maladisse e scomunicò Arrigo terzo imperadore, in uno Concilio di cx vescovi, per cagione ch'elli volle rompere l'unitade della Chiesa. Ma poi, venendo il decto Imperadore al decto Papa in Lombardia, per molti giorni inanzi, a piedi scalzi, in sulla neve e in su' ghiacci, li venne a domandare perdonanza; e a pena gli perdonò.

* Cosí credo dovesse avere l' originale, cioè "ed i Campagnia," e non "e di Campagnia," come intese il copista.

† Cosí il ms. invece di *Cencio*, e anche appresso.

Questo imperadore Arrigo stando in Italia, e' principi della Magnia venneno e elessero re Ridolfo, il qual era duca di Sansognia. E perché il Papa ad petitione dello Imperadore non volle fare scomunicatione, se prima nol conoscesse per ragione; il decto Imperadore, auta * victoria di bactaglia combactuta contra Ridolfo predecto, sí raunò la corte sua nella città di Brescia, e quanto per lui si poté fare, anullò e cassò il decto Papa e dispuose ogni suo ordinamento; et a xxiiij vescovi fece eleggiere papa Guberto, il qual era arcivescovo di Ravenna, e fu chiamato Clemente terzo. Per la qual cosa il decto papa Gregorio lo scomunicò di nuovo, e assolvecte tutti i suoi baroni della fedeltade e del sacramento che avevano a lui facto. Ora advenne che lo Imperadore, col Papa ch'avea facto, e con quelli che li fecero electione, venne ad Roma, e quello suo Papa fece consecrare al vescovo di Bolognia e benedicere, e [a] quello di Modona e di Cervio, faccendolo [adorare] † con grande reverenzia; e da lui ricevecte la corona dello Imperio. E rinchiuse papa Gregorio e adsediollo in Castelsantagnolo e i cardinali con lui insieme. Ma il valoroso huomo Ruberto Guiscardo,‡ re di Puglia, venne ad Roma in soccorso del Papa, e lo Imperadore, sentendo la sua venuta, col suo Papa ch'era in signoria, e con li suoi vescovi, tantosto si partí di Roma, e fuggí a Siena la Veglia,§ avendo già distructa la città Leonina e 'l Campidoglio. E 'l decto Ruberto diliberò papa Gregorio delle mani dello Imperadore, con li suoi cardinali, e rimisseli nel palagio di Laterano; e molti Romani ch'erano colpevoli di decte cose gravemente puní. Poi il decto Papa n'andò in Puglia col

* Cosí è certo che leggeva o doveva legger l'originale invece di "avea," come scrisse il copista. Il P. (pag. 364) dice "victoria habita."

† M. P. (p. 362) dice: "quem rex Henricus pronus in terra cum omnibus aliis mox adoravit."

‡ Il testo legge "co̅ uiscardo," certo per errore del copista, che prese per un *co*, con un segno d'abbreviatura sopra, la G maiuscola dell' originale.

§ *Sena Vetus.*

decto Ruberto, e morí nella città di Salerno, sancto, faccendo Idio molti miraculi per lui.

Nel decto tempo la città di Saragosi in Cicilia fue forte gravata di grandissimi tremuoti. Per la qual cosa cadde la chiesa maggiore della terra: e questo fu domenicha mattina nell' ora della terza, dí 10 di maggio. E tucta la gente che v'era drento morí, salvo il prete e il diacano e il subdiacano * che cantavano la messa: questi non ebbono niuno male, della qual cosa le genti molto si maravigliarono.

In questo tempo, nel Mlxxx, il decto Arrigo imperadore venne ad hoste sopra la città di Firenze, e adsediolla xvij dí, uscendo di Siena con gran forza di sua gente e altra gente raccolta. Et a dí xxj di luglio feciono la bactaglia con lui, e fue sconficto coll' oste suo.

Anni Mlxxx.

I Fiorentini presero Monte Orlandi † a pacti, e poi abacterono le mura a terra. Ancora andarono ad hoste alla terra di Prato, e ebberlo per forza di bactaglia, e disfecero le mura e impierono i fossi e abacterono le fortezze. E pagano di censo lire ccc. per anno, e uno cero grande alla chiesa di sancto Giovanni Baptista. E messer Oddo Arrighi degli Amidei ne fu chiamato castellano ad sua vita.

Anni Mlxxxvj.

Victorio terzo sedecte papa anni j, mesi iiij, dí viiij. Questi ebbe prima nome Disiderio e fue abbate di Monte Casino. E poy fu avelenato nel sacrificio del calice per uno suo diacano, onde morí. Al costui tempo si cominciò l'ordine Cartusiense.‡

* Il testo: "dicano" e "subdicano."

† Il testo ha *Molti Orlandi*, e questa è proprio grafía dell' originale, come appresso vedremo; una volta però corretta dallo stesso autore, onde anche qui si corregge.

‡ Il testo ha "Carturiense."

Anni MIxxxviiij.

Urbano secondo sedecte papa anni xj, mesi iij, dí j; vachò la Chiesa dí xv. Nel costui tempo Baimondo nobile duca di [Puglia] * con i cristiani, crociato, andò oltremare e racquistò il sancto sepolcro di Cristo.

In questo tempo nella città di Mirra,† essendo già distructa, da' cictadini della città di Bari, l'ossa del beato sancto Niccolaio furono traslatate. Ancora nel decto tempo la grande e nobile città di To[ledo] in Ispagnia per li cristiani fu tolta a' Saracini. Et in questo tempo fiorí il valente huomo Anselmo ‡ in Inghilterra, il quale fue in prima abbate e poi vescovo di Conturbiero; il quale di vita e di scienzia fu maraviglioso.

Questo Urbano papa fece il primo Concilio a Claramonte, nel quale s'ordinò che l'ore dell' uficio di sancta Maria si diciessono ogni dí, e l'uficio suo si facesse solempnemente il sabato. Nel decto Concilio s'annuntiò prima anni x § con grandissimo pianto, come Ierusalem era perduta e venuta in servitù de' cani Saracini, e che lxx^{m} di cristiani v'erano morti per la difensione della fede; e sopracciò chiese aiuto e consiglio.

Ancora il decto Papa fece il secondo Concilio in Francia alla città del Torso, nel quale indusse e provocò quasi tucto l'Occidente, e spetialmente la gente di Francia, al passaggio d'oltremare: e raunati furono con Arrigo imperadore, e tennero e per terra e per mare per lo strecto braccio di San Giorgio e passarono in Gostantinopoli, e poi arrivarono nella città d'Antioccia. E di questo hoste fu capitano Goctifredi di Buglione duca di Locteringia e il conte di Bosce,|| 'l conte Filippo di Fiandra, il conte di

* Supplito con la Cronica del Villani, lib. IV, cap. xxiv.

† Cioè Myra, città della Licia nell'Asia minore.

‡ Il testo ha "danselmo."

§ Qui resta nel ms. un piccolo spazio bianco, come per aggiunta di altre cifre; mentre poi sulla cifra "x" è un segno come di cancellatura.

|| Cosí il ms. Intendi Stefano, detto anche Enrico VI, conte di Blois e di Brie. E conte di Brois è nel Villani, IV, xxiv.

San Gilio e altri assai grandi e nobili baroni. Et inanzi ch'elli prendessono Antioccia, il beato sancto Andrea appostolo apparve visibilmente a uno villano saggio provenzale, huomo semplice e di buona vita, e disse a lui :—Vieni e mostrami la lancia con che Cristo fu fedito nel fiancho.—Il quale villano, presa la cictà d'Antioccia, in presentia di R.* conte e del cappellano suo, cavò con uno marrone nella chiesa di san Piero, là ove gli era rivelato, e quivi trovò la decta lancia; e ciò fu nell'anno del Mlxxxviiij. E di ciò dubitando molte persone, ch'ella non fusse la diricta lancia con che Cristo fu fedito, uno cavalieri saggio, ch'avea nome Bartolommeo, a cui Cristo era apparito, elli certificò della lancia, la quale era lunga xiij piedi. Elli fece fare uno grande e maraviglioso fuocho, e pianamente colla lancia in mano passò questo fuocho sanza nullo dannaggio. E cosí l'oste de' Cristiani, vedendo il miracolo, confidandosi in Cristo e nella lancia con ch' elli fu fedito, con isperanza di ben fare andavano inanzi, non dubitando; e presono per forza la città di Tolomaida, che oggi s' apella Acri, e poi presono Tripoli, Alexandria e Damiata e il Conio e Castelpellegrino e quasi tucta la Terra Sancta, salvo Ierusalem; e aportaro a Cesaria. E stando loro a Cesaria, apparve loro sopra l'oste una colomba candida, la quale fu fedita da uno sparviere, e cadde in terra, e fulle trovato socto l'alia diricta una lectera che si conteneva in questo modo :—Il rege di Charon al duca di Cesaria salute. Generatione† canina viene, giente di tencione, contra i quali parte ‡ e per altri la gente tucta difende : e le decte cose anuntia agli altri cictadini dintorno da te.—Poi si levò l'este e andonne in Gierusalemme, e quivi puosero l' asedio, e per forza l' ebbono. La qual terra è in montagna e non ha pozi né fonte né fiumi, se non la fonte di silice, nella quale àe abondevolmente assai acqua. E poi che questa

* Rinieri conte di San Gilio, nel Villani, *ivi*.

† Il testo ha "gneneratione."

‡ Cosí ha il testo. Forse *per te* (?) Ad ogni modo il passo non è chiaro.

città fu disfácta per Tito e per Vespasiano, si era grandemente rifacta* per uno signiore ch' ebbe nome Ellio Adriano; ma non la rifece in quello luogo medesimo dove era posta prima. E ciò sappiate che 'l buono duca Gootifredi morí in quello hoste, faccendo molte bontadi; e fànnone memoria i libri che parlano di lui. E fu seppellito nella decta città. Et era da tucti appellato rege e principe. E nel secondo anno della sua signoria passarono in quello passaggio piú di cc^{m} di persone.

In quest' anno, il dì di san Benedecto, fu fondato il nobile munisterio di Cestella nel vescovado Cabillonese.

Anni Mc.

Pasquale secondo, nato di Bleuda† in Toscana, sedecte papa anni xviij, mesi iiij, dí xxiiij; vacò la Chiesa dí iij.

Nel tempo di costui Arrigo quarto re de' Tedesci con grande hoste venne in Toscana, per essere coronato dello Imperio d'oriente. ‡ E mandò lectere al Papa e ambasciadori, nelle quali si conteneva ch' elli rifiutava tucte le investiture de' vescovi e altri cherici, delle § quale s' era facto per adietro grande quistione intra lli papi e li 'mperadori. E mandò a dire che di tucte le decte cose elli e i suoi baroni voleano con saramento fermare. Onde facto questo per volontà del Papa, venne ad Roma per suo comandamento. E nell' entrare che Arrigo fece nella terra di Roma, si li fece incontro tucto il chericato col popolo e li nobili della cictade; ed entrò dal lato di Monte Mallo col maggiore honore che mai entrasse alcuno signiore. E 'l Papa si li fece incontro insino in sulli gradi di fuori delle reggi di San Pietro con li cardinali e vescovi. E giugnendo, lui s' inginocchiò e baciò amendue e' piedi al Papa. Poi il Papa si baciò con lui in viso e in fronte, segnandolo e benedicendolo, e rendérsi pace. Poi si

* Cosí pare che debba leggersi. Il testo ripete "disfacta."
† Bleda. ‡ Cosí il testo. § Il testo ha "della."

presono per mano e venneno insieme insino ad la porta argentea, nel quale luogo datosi pace insieme. . . . .* Ma poi che furono ad porta† porficha, il Papa gli dimandò il saramento sopra la quitanza sopra la investitura della dignità de' cherici. Lo Imperadore, avuto sopra ciò consiglio, sí prese il Papa per forza e li cardinali, e tucti gli misse in prigione, con favore e consentimento de' Romani. E questo fu nell' anno Mcxiij.

In questo anno i Fiorentini disfecero Monte Casoli. E Ruberto Tedesco morí sbavigliando alla tavola; il quale stava nella roccha di Saminiato del Tedesco vicario per lo Imperadore, e sbandito di Firenze per sue malvagie opere. Il quale molta guerra di fuocho e di ferro e di rubagione faceva contro li Fiorentini.

E nel Mcxv anni, del mese di maggio, s'apprese il fuocho in Borgo Sancto Appostolo in Firenze, e arse insino al Vescovado, e quasi la maggior parte della Cictade; onde molta gente morí di fuogo.

In questo anno morí la contessa Mactelda, la quale avendo iudicato di suo Toscana e gran parte di Lombardia. . . .‡

Anni Mcvij.

Arrigo quarto figliuolo dell' altro Arrigo imperò anni xv. Questi, facto imperadore, prese il suo padre Arrigo e fecelo morire in prigione.

Nel decto tempo Ruberto Guisscardo vinse in bactaglia Alesso e Cuviano § imperadore di Gostantinopoli. Questo Ruberto valente fu nato di Francia, e venne ad Roma con grande hoste per pigliare la terra e puosevi l' asedio, e per forza ne fu cacciato. Et

* Qui rimane in tronco il periodo. M. P. lo compie (p. 367), ". . . dominus Papa designavit Imperatorem."

† Non porta ma rota, porfirica, cioè quella pietra di porfido di forma circolare, incastrata nel pavimento, nella stessa chiesa di S. Pietro. Il P. ha la corretta lezione cioè "ad rotam porphyricam."

‡ Resta cosí in tronco. § Cosí il testo, e intendi *Alessio Comneno.*

allora entrò in Puglia, ov' egli acquistò uno figliuolo maschio ch' ebbe nome Ruggieri re di Cicilia, e una figliuola ch' ebbe nome Gostanza, la qua' fu madre di Federigo secondo imperadore, il quale fu promosso contro a Octo quarto imperadore. Questo Ruggieri generò Guiglielmo re di Puglia, il quale in tucti suoi facti fu savio e gratioso sopra gli altri principi del mondo a quel tempo. Nel costui tempo il regnio di Puglia e di Cicilia crebbe e abondò di richezze e d' allegramento e di gaudio e letitia piú che nullo altro reame del mondo: ché questo re Guiglielmo li teneva in tanta pace ch' elli non actendeano se none a sonare e ad cantare e danzare. E quasi elli fecero di nuovo un' altra Tavola Ritonda.

Nel decto tempo, poi che papa Pasquale co' suoi fratelli cardinali fu diliberato della carcere dello Imperadore, contro a llui si levarono iij papi in diversi tempi e condictioni; ciò fue Alberto Anguulfo* e Teodorico: i quali, advegnia che ne' loro cominciamenti catuno a decto Papa desse molta briga, l' uno da l' altro erano svariati.† E finalmente tucti e tre 'papi, non degni, da papa Pasquale degnio furono soperchiati.

In questo tempo lo Re d'Ungheria, admunito da papa Pasquale che facea contro a llui, rifiutò per lectere bollate tucte le investiture delle dignità de' vescovi e prelati, i quali gli altri Re ch' erano stati per adietro erano usati di fare.

In quest' anno fu fondata la gran badia di Chiaravalle, e fuvvi mandato per abate [Bernardo].

Papa Pasquale, avendo facto pace col decto Arrigo, e lui incoronò nel campo fuori delle mura. E tornando elli ad casa con li cardinali, tanta giente li si fece incontro che tucta la terra copría, lodando e benedicendo Iddio; e fu prima sera buia ch' egli

* Cosí il testo. M. P. (p. 368) ha "Agnulfum"; e forse l'originale aveva *Angnulfo*. Il Platina, nelle *Vite de' Pontefici*, e gli altri storici dei Papi lo chiamano *Maginulfo*.

† Cosí il testo. M. P., a pag. 368: "Qui licet in principio domino Papae multas infestationes fecissent; in fine tamen ab ipso prostrati sunt."

potesse giugnere al palazzo suo. Poi il decto Papa morí ad la chiesa di sancta Maria Traispadine,* e poi dal popolo e dal chericato fu levato di quivi, e fue sepulto nella chiesa di sancto Salvatore. Al quale, doppo lui, succedecte Giovanni chancelliere della chiesa di Roma, e fu chiamato papa Gelagio. Ma perché lo Imperadore non fue presente alla electione, sí cacciò lui e elesse un altro papa che avea nome Bordino nato di Spagnia: ma elli non è scripto nell' autentiche cronice de' pastori, perciò ch' elli non ebbe il manto. Ma morto questo Gelagio papa in Cluniaco,† fue messo e sacrato‡ papa in quello medesimo luogo, il quale si chiamò papa Calixto. Il quale, incontanente ch' elli fu ad la dignità, sí maladisse e scomunicò il decto Imperadore con tucti suoi seguaci.

In questo anno s'aprese il fuogo in Firenze appresso agli Uberti che reggiavano§ la Cittade, e quasi tucta l'arsero che poco ne campò. E molta giente fu morta per fuoco e per ferro.

Anni Mcxviij.

Gelagio terzo, nato del Regnio, della città di Gaeta, sedecte papa anni j, mesi v; vacò la Chiesa dí xxiiij. Questi per paura d'Arrigo imperadore con li cardinali n' andò ad Gaeta, e quindi per mare n' andò in Francia, in Cluniaco di sopra scripto. Quivi morí e fue sepellito.

In quest' anno i Pisani andarono ad hoste sopra Maiolica, e francamente per forza di bactaglia la presero, e portaronne uno paio di porti di metallo intagliate molto nobile, e due colonne di profèrito. Le quali porte sono poste alle mastri porti della chiesa maggiore di Pisa; e le due colonne di proffèrito donarono a' Fiorentini, per cagione ch' e' Fiorentini guardorono loro la terra

* Intendi presso alla chiesa di S. Maria in Trastevere.

† Il testo, qui ed appresso, invece di *in Cluniaco* (Cluny), ha "Indiaco."

‡ Il testo ha "secrato."

§ Cosí il testo.

quando erano ad hoste. Queste due colonne furono poste dinanzi alla mastra porta di levante del beato Giovanni Batista in Firenze.

Anni Mcxviiij.

Calisto secondo, nato di Borgognia, figliuolo di Conte,* sedecte papa anni v, mesi x, dí xiij; vacò la Chiesa dí v. Questi, essendo arcivescovo di Vienna, doppo la morte di Gelagio papa, nella città di Damiata, di concordia de' cardinali, fu facto papa; il quale tornando ad Roma per la Proenza e per Lombardia e per Toscana, e in ogni luogo dove capitò, allegramente fue ricevuto. Ma Bordino,† il quale era facto per Arrigo imperadore, udita la sonante boce che 'l giusto Papa veniva, si partí da Roma e andonne a Sutri; nel quale luogo il popolo di Roma l' assediarono, e per forza ebbono Sutri e presono il decto papa Bordino e recarlo ad Roma, in su 'n uno chamello col viso volto alla groppa di dietro, e teneva la coda in mano per freno; e poi lo missono in prigione.

Nel primo anno del decto Papa, i Pisani andarono ad hoste sopra Maiolicha, e i Fiorentini guardarono la città di Pisa. E presa Maiolicha per forza, sí ne recharono molte dignitadi e gioie, come decto è disopra.

In questo tempo l' ordine de' signori Tempieri, che sono decti cavalieri del Tempio, si cominciò.

In questo tempo lo imperadore Arrigo, tornando il suo cuore ad coscientia, la investitura de' vescovi e altri prelati, per anello e per bastone, ad Calisto papa rassegniò e concedecte; della qual cosa molto avea combactuto con papa Pasquale. E volle che per tucte le chiese dello Imperio il Papa facesse le electioni, e

* Figliuolo del conte Guglielmo di Borgogna.

† Cosí addietro, e avanti un' altra volta. Qui il copiatore scrisse per isbaglio "lordine." Questi è Maurizio Bordino, arcivescovo di Braga, antipapa col nome di Gregorio VIII.

tucte possessioni e dignitadi di Sam Piero, le quali avea vendute o in altro alienate o baractate, per la cagione della discordia ch' avea auta colla Chiesa o per niuna altra cagione, liberamente le fece rendere; e tucte l' altre possessioni, le quali avea tolte ad altre chiese o a cherici o a laici per cagione della decta guerra, fedelmente dispensò che tucte fussono rendute.

Nel decto tempo Calisto papa, ad reverenzia del beato Iacopo appostolo, il vescovo di Compostella fece arcivescovo; al quale soctopuose tucta la provincia Emeritana.

Questi, avendo facta pace col decto Arrigo imperadore, si morí, e fu sepellito nella chiesa di san Giovanni Laterano.

Ancora il decto Imperadore, per cagione che 'l suo padre contro la Chiesa s'era mal portato, giudicato fue per la gente che si credesse che per giusto giudicio di Dio elli morisse sanza herede, e di lui non rimase niuno figliuolo maschio né femina: ad cui Loctieri duca di Sansognia suo fratello in suo luogo nello imperio succedecte.

Anni Mcxxv.

Onnorio terzo,* nato di Bolognia di Lombardia, sedecte papa anni v, mesi ij, dí iij; vachò la Chiesa dí j. Questi andando ad Aquila, alla richiesta de' baroni, acciò ch' elli il difendessono dalla ingiuria che lli facea il conte Ruggieri di Cicilia, dicendo loro essere della iurisdictione di San Piero; ma il Papa veggiendo la malvagità de' baroni, prese più savio consiglio, e Ruggieri ricevecte in gratia, e ricevuta la fedeltà, e fermata per sacramento, sí llo investí del ducato di Puglia. Questi per uno suo legato cardinale due patriarchi dispuose, ciò fu quello d'Aquilea e quello di Vinegia. Poi morí, e fu sepulto ad Roma in Antichano.†

In questo anno i Fiorentini, avendo per anticho tempo grande

* Cosí, invece di *Onorio secondo*, che fu eletto nel 1124.

† Cosí, invece di *Vaticano*.

nimistade insieme colla città e cictadini di Fiesole, mossonsi di nocte tempo con popolo e cavalieri, e di subito la mactina in su l'alba del giorno entrarono dentro e preserla; e disfecero tucte le porti e li steccati, mura e tucte fortezze, salvo che le chiese. Et allora si misse e fece ordine che giamai, ad perpetua memoria di sempiterna ricordanza, in sul poggio drento dalle mura non si rifacessono case se none cinque braccia alte.

E ritornati in Firenze, tantosto cavalcarono a Montebuoni, il quale era de' figliuoli di Guiccione, i quali s' appellano al presente giorno Buondelmonti; e disfecerlo a terra.

Anni Mcxxvij.

Loctieri quarto, nato di Francia, imperò anni xj. Questi fu savio e valente huomo, e in tucte sue cose fu gratioso. Al suo tempo per tucta Ytalia fue mortalissima fame.

E papa Onnorio predecto morí. Et il Senato di Roma si rinnovò contro la volontade del popolo.

Anni Mcxxx.

Innocentio secondo, nato di Roma, figliuolo di Giovanni Trastevere, sedecte papa anni xiij, mesi vij, dí viij; vacò la Chiesa dí ij. Questi condannò tucta la parte di Pietro Leone con tucti suoi ordinamenti. Questo Pietro fu figliuolo di Pietro Leone cardinale; e da pochi cardinali essendo electo, e chiamato Anecleto, fece per forza d' arme adsalire ad furore le case degl* Infragnipane, là ove papa Innocentio colli cardinali era fuggito. Ma ivi non possendo fare nullo male, assalí a pochi giorni la casa di san Piero, e vintola per forza, sí tolse e rubò il vasellamento che vi trovò d' oro e d' argento, il quale valeva grandissimo

* Il testo, per uno scambio facilissimo di sillabe, ha invece "vallessamento."

tesoro; e tolse una cassa grande d'avorio ch'era piena tucta di pietre pretiose, e uno crocifisso tucto d' oro, di v braccia, con una corona in testa piena di gemme pretiose; e disfece il nobile e grande lavorio del tabernacolo che Leone papa avea facto. E simigliantemente rubò la gran chiesa di santa Maria Maggiore di Roma, là ove aveva maravigliose richezze, e quella di san Giovanni Laterano e del beato san Salvadore, e molte altre chiese di Roma; delle quali trasse sí gran tesoro ch' al mondo non era maggiore: col quale tesoro corruppe tucti i nobili e potenti di Roma, sí che 'l Papa non avea niuno aiuto. Advenne che si partí di Roma segretamente con tucti i cardinali, e entrò in due galee, e fuggí per mare, e andonne in Francia, e fu dal Re e da' principi molto bene ricevuto. E fece Concilio ad Claramonte e a Rreno. Poi Loctieri, il qual era electo imperadore, raunata gran gente, venne in Cicilia, e menò seco Innocenzio papa con molti vescovi e arcivescovi, e cacciò via Pietro Leone per forza d'arme, il quale avea occupato il papato, e victoriosamente rimise papa Innocenzio nella sedia papale. E da lui Loctieri ricevecte corona imperiale.

In quello tempo quelli di Boem nella Magnia aveano facto contro la sancta Chiesa. Andò Loctieri sopra loro, e ricevectevi gran danno di suoi cavalieri e popolo, per tradimento di suoi baroni.

Questo Loctieri, doppo la sua coronatione, fue fortemente acceso dell'amore di Cristo, e del tucto si fece difenditore e campione della chiesa di Roma. E ragunò grandissimo exercito di popolo e di cavalieri, e col Papa insieme andò in Cicilia sopra il conte Ruggieri, il qual era nimico rubello della Chiesa, e incontro levato, e avea occupato e teneva per forza contro della Chiesa lo regnio di Cicilia. Prima perdè la Puglia e per forza fuggí in Cicilia, e Loctieri fece conte in Puglia il conte Rayonne. Et ad acquistare questa victoria fu molto utile il grande navilio che dierono i Pisani. Poi Loctieri, sancto e

cristianissimo, se n'andò nella Magnia, vinto Cicilia, e il Papa si ritornò ad Roma, e quivi celebrò Concilio. Onde, considerando lui il beneficio che lli Pisani e Gienovesi gli aveano facto ond' egli n' acquistò Cicilia, il Papa diede a' Gienovesi uno vescovado, il qual era socto il vescovado di Melano; e a' Pisani di vescovo fece arcivescovo, e fecelo signiore di tutti i vescovadi di Sardignia.

Nel decto tempo in Francia fue sí grandissimo seccho che tucti i fiumi e pozzi e fontane si seccarono, et in molte parti per lo reame, per le fessure della terra, cominciò a uscire fummo di fuocho, sí grandi e forti che poi a due anni, né per piova né per ghiacci né per altro humidore, non si poteano spegnere: onde genti per questo seccho e fuocho morirono.

Anni Mcxxxviij.

Currado secondo della Magnia, nato della casa di Soave, imperò anni xv.

Nel tempo di costui uno ch' avea nome il maestro Rynaldo, predicando in Roma e riprendendo fortemente le richezze e le cose fuori di misura che le genti usavano per li dilecti del mondo, onde molti gentili huomini e gran possenti di Roma si convertirono alla sua predicatione e lui seguitavano. Il quale maestro Rinaldo venne in grande odio a' cherici, e fue per loro preso e tràctogli gli occhi.

Nel decto tempo la cictà d'Ascalona fu presa per li Cristiani.

E nel primo anno di costui il nobile cavalieri messer Giovanni cavaliere del Tempio * morí, ch' era vissuto anni ccclxj; e fu cavalieri della masnada di Carlo magnio. Et Innocenzio papa morí, e fu sepulto in uno avello di proffèrito, nella chiesa di san Giovanni Laterano.

* Giovanni d'Estamps, "Ioannes de Temporibus," lo chiama il P., p. 372.

Anni Mcxliiij.

Cilestrino secondo, nato di Toscana del castello di sancta Filicita, sedecte papa mesi v, dí xij; vacò la Chiesa dí j. Morí e fu sepulto ad Laterano.

Anni Mcxlv.

Luzio secondo, nato di Bolognia di Lombardia, figliuolo d'Alberto, sedecte papa mesi xj, dí iiij. Questi fu primamente cardinale di sancta Croce, e tucta la decta [chiesa] * dal fontispizio dinanzi insino al coro, col circustato dello chiostro, rinnovò tucto di nuovo insino al fondamento. Poi morí e fu sepulto in Laterano.

Anni Mcxlvj.

Eugenio terzo, nato di Pisa, sedecte papa anni viij, mesi iiij, dí xx; vachò la Chiesa dí ij. Questi essendo abbate di sancto Anastasio, da tucti i cardinali in concordia fu facto papa appresso la chiesa di sancto Cesario. E per paura de' Sanatori,† i quali erano stati electi dal popolo contro la volontà del suo precessore, n' andò a stare nel munisterio Farfense, e quivi [appellati] i cardinali e prelati,‡ quivi fu consegrato. Questi essendo huomo semplice e di grossa materia, poi che fu facto papa, Idio lo riempiè di molta gratia e di savio e maraviglioso parlare. E tornando elli ad Roma, il chericato e tucto il popolo gli si fece incontro con grande letizia, gridando *Benedictus qui venit in nomine Domini.*

Nel decto anno Mcxlvij il decto Papa, a priego di Lodovico re di Francia, andò in Francia e segniolli di croce per andare oltremare, e fece un grande Concilio ad [Rems]. Onde il decto Lodovico con Currado imperadore, seguaci di simigliante croce,

* "totam illam ecclesiam" ha il P., p. 374.
† "sanatari" ha per errore il ms.
‡ M. P. (p. 376): "vocatis cardinalibus et prelatis."

passarono oltramare con Franceschi, Tedeschi, Inghilesi e Normandi e Fiaminghi, e con quelli di Terra d'Ocho e con molta altra gente; andarono per Paonia e parte per Ungaria e parte per mare, con più di cclx tra galee e navi, insino in Costantinopoli; e tucto in altra guisa ch'elli non pensavano; dond'elli ricevectono gran dannaggio per lo inganno de' Greci, che mescolavano la calcina colla farina, e davano loro quello pane ad mangiare; e anchora parte di loro ne furono presi da' Turchi, e altri morirono di fame, e chi di sete e altri per faticha. Ma poi, entrati nella Terra Sancta, quivi molte bactaglie victoriosamente feciono; e così vinsero gran parte del Levante.

Questo Currado, poi tornò d' oltremare, si morí; il quale advegnia che regiesse xv anni lo imperio, non ebbe alcuna volta la benedictione imperiale.

Lodovico re, di pellegrinaggio andò in Gierusalem 'adorare, e fu nel tempio Domini e in quello di Salamone, e quivi stecte per buona peza e poi tornò ad casa.

In questo tempo Eugenio papa morí ad Roma, e fu sepulto a san Piero lungo l'altare maggiore.

In quest'anno Mcxlvj, mossi * i Fiorentini ad hoste sopra il castello di Monte di Croce, ch'era de' conti Guidi. E standovi ad assedio, dí x di giugnio, da' conti Guidi villanamente furono percossi, e levarsene ad modo di sconficta.

Poi nel Mcliij i Fiorentini feciono hoste sopra Monte di Croce, e per forza fu adsediato, e preso e disfacto e rapianato. E fu ordinato e stantiato di giamai non fare in sul decto poggio casa di fortezza alcuna.

Anni Mcliiij.

Anastasio iiij, nato di Roma, figliuolo di Benedecto, sedecte papa anni j, mesi iiij, dí xxiiij; vacò la Chiesa dí xx. Questi

* Cosí il testo, forse per sbaglio di copia, invece di *mossersi*.

fece uno palagio nuovo ad Sancta Maria Ritonda, e diede alla chiesa di Laterano uno calice grande di bella forma, e fu opera di peso di xxx marchi, pieno di pietre pretiose. Poi morí e fu sepulto in una tomba di proffèrito.

In questo tempo soldati di Firenze e cavalieri pratesi, essendo insieme cavalcati sopra il terreno di Pistoia in quantitade di vj° pedoni e cc. cavalieri, da' Pistolesi nel piano di Carmignanó furono sconficti.

Anni Mclv.

Adriano quarto, nato d'Inghilterra, sedecte papa anni iiij, mesi viiij, dí xxviij; vacò la Chiesa dí xx. Questi essendo vescovo d'Albana, fu mandato per legato in Norveggia a predicare la fede di Cristo, e elli convertí alla fede quella gente barbara; e quando elli fu tornato ad Roma e papa Anastasio morí, e elli fu facto papa. Questi, per uno cardinale che fu fedito, tucta la città di Roma interdisse insino a degnia satisfactione. Elli scomunicò Guiglielmo re di Cicilia siccome rubello della Chiesa; il quale, poi ch' elli fu absoluto, fece omaggio al Papa, ricevecte la terra in . . . * da lui. Di costui si dice ch' elli fue il primo papa che con corte dimorò prima in Orvieto; e fece le mura e le torri di Radicofani. Elli comperò da' conti di Sancta Fiore molte possessioni e castella allato al logo † di Sancta Cristiana. Poi morí e fu sepulto in San Piero.

Anni Mcliiij.

Federigo primo decto Barbarossa imperò anni xxxvij, e coronossi nella chiesa di sam Pietro ad Roma. Nel decto tempo, venendo lui ad Roma per Tiburi, ch' era disfacta, comandò ch' ella fusse rifacta. Elli fu coronato da papa Adriano il dí medesimo

* Supplisci la parola *feudo* o altra equivalente.

† Il testo ha "lago."

ch' elli giunse ad Roma; e tese loggie e padiglioni e puose albergo nel campo di Nerone. Onde i Romani crudelmente, con armata mano, dalla parte di Santagnolo manomissero la famiglia dello Imperadore, e uccidendogli e cacciandogli insino al padiglione dello Imperadore. Levato il romore per la città, i Tedeschi si ragunarono insieme e crudelmente uccidiano e menavano a morte i Romani; e infino che 'l Papa e lo Imperadore trassono a dividere; e con tucto ciò i Tedeschi non si potevano raffrenare.

Questo Imperadore, ricordandosi per adietro del primo anno del suo imperiato, fece disfare la città di Spuleto, perché lli fu facto noia quando passava a corte. Elli fu molto savio ma troppo ontoso ad vendecta; e fu largo e gratioso, gentile e bontiadoso * in tucti suoi facti.

Nell'anno Mclxij il sole scurò per tucto il mondo, e stecte serrato † in cielo dall' hora di mezogiorno infino alla mezza nona, a dí vij di luglio. Et in quel dí si perdé il sancto Sepolcro d' oltremare. E per tucto il mondo fu fame e mortalità. E la croce sancta di Cristo venne alle mani del gran pagano Saladino soldano di Babilonia.

Ancora in quest' anno il predecto Imperadore, per forza, in Lombardia prese la nobile città di Melano, e rapianò le mura e tucte le fortezze della terra; e per ricordanza che l' aveano ingiuriato al venire del suo coronare, sí arò con buoi con giogho le mastre rughe e le piazze della città, e poi la seminò a sale.

Item in quest' anno medesimo l'antica città d'Albana da' Romani fu disfacta.

Anni Mclviiij.

Alessandro iij, nato di Siena, figliuolo di Rinuccio, sedecte papa anni xxj, mesi xj, dí viiij. Questi vinse iiij papi heretici e sismatici, i quali si levarono contro a llui e contro santa Chiesa; ciò

* Così il ms., ma credo che la lezione originale fosse *bontadioso*.

† Così, e potrebbe stare; ma potrebbe anche essere sbaglio invece di *scurato*.

fue Octaviano Guidi da Cremona, che Victorio si facea chiamare; il secondo fu Pasquale, che Ginanni Astreniense si facea appellare; il terzo fu Calixto; il quarto Innocentio.* Di † quactro papi predecti contro Alessandro levati furono maladecti, scomunicati, e li tre di questi erano cardinali, i quali morirono di mala morte. Nel decto tempo di costui, nella Chiesa fu grandissima discordia, e fue cacciato il convento di sancto Anastasio e l' abate di san Paulo perch'elli diceva l'ufficio divino palesemente. E poi per lo decto papa fu rifacto.‡

E gran discordia nacque tra lo Imperadore e 'l Papa, che per suo favore questi iiij papi predecti si levarono incontro a llui; e perseguitarlo sí forte che il Papa si fuggí in Francia al Re e ad sua potentia che l'aiutasse. Onde lo Imperadore si mosse molto pieno di cruccio e di maltalento con grande hoste di popolo e di cavalieri, et andò sopra il Re di Francia, ché v' era il Papa, e con lui vennero 'Re di Brectagnia overo Buemmia e di Danzia § e di Pollano || con tucto loro sforzo. Et intrando lo 'mperadore col suo exercito in Borgognia, credectesi al tucto torre la terra e il reame. Onde lo re Tebaldo d'Inghilterra soccorse con giente e con moneta lo Re di Francia; e gratia di Dio, sopra i Franceschi non poté acquistare nulla cosa.

Nell' anno Mclxvij fu rifacta la città di Melano. E li Romani furono sconficti a Toscolano dal cavalieri del decto Imperadore.

In quel tempo il decto Imperadore, doppo molti scandoli e persecutioni ch'elli avea facto a papa Alexandro, avendo tema e forte conscienza di cadere della signoria imperiale, per molte

* Qui c' è, come spesso, gran confusione; il Villani (V, 1) è molto piú corretto. Il cardinale Ottaviano prese il nome di Vittorio IV; Guido di Cremona prese il nome di Pasquale III; Giovanni abate di Struma, che il Villani chiama strumiense, prese il nome di Calisto III; Lando di Sezza si chiamò Innocenzo III.

† Cosí, ma forse l'originale aveva "Li."

‡ ". . . Et eiectus fuit conventus sancti Anastasii; et abbas sancti Pauli eundem locum sibi vendicavit, per regem schismaticum. Qui locus per eundem Alexandrum est restitutus." M. P., p. 383.

§ Per *Dazia*, *Dacia*. || Per *Pollonia*.

cittadi e possenti huomini di Lombardia, che lli s'erano rubellati e volti adosso, e perché il decto papa Alexandro era tucto rinvigorito, fece lo Imperadore ambasciadori e messi spetiali, procacciando di riconciliarsi col Papa. Et il Papa lo ricevecte, et alla città di Vinegia si fece la pace. E questo fu nel Mclxxvij. La qual guerra era bastata xvij anni.

Et in quest' anno arse la città di Firenze, a dí iij d'agosto, da Mercato Vecchio insino al Ponte Vecchio.

Et in quest' anno si cominciò in Firenze gran discordia e guerra intra 'Consoli di Firenze e la casa degli Uberti; e bastò la guerra xxij mesi, ché lli Uberti non ubidivano Consolato né signoria, né etiandio per loro facevano reggimento. E di questa discordia nacque bactaglia cittadinesca e gran mortalità di rubamenti e d' incendij nella città di Firenze. Si misse fuocho in cinque parti, e arse il sexto d'Oltrarno, e da San Martino del Vescovo insino a Sancta Maria a Ughi.

Et in quest' anno Mclxxviij, dí iiij uscente novenbre, cadde il Ponte Vechio di Firenze.

Poi nel Mclxxx anni gli Uberti ebbero l' auctorità, e fu consolo * e rectore della città di Firenze messer Uberto degli Uberti e messer Lamberto Lamberti e loro compagni. Et in costoro si cominciò il primo Consolato della Città. E questi † fu per forza; advegnadio che poi cominciarono a governare la Cittade per modo di ragione e di giustizia, conservando ciascuno in suo stato, tanto che, da Consoli cittadini, feciono electione di chiamare Podestà gentili huomini possenti forestieri; siccome legiendo inanzi scritto troverrete.

Questo Papa fece due Concilii, l'uno fu al Torso in Francia, e l' altro fu ad Roma. E fece fare la pace tra lo Imperadore Emanovello di Gostantinopoli e' Romani; ancora Guiglielmo re di Cicilia e' Lombardi, e bastò per xv anni.

* Così, e appresso altre volte, invece di *consoli*.
† Così il testo, e pare che dovrebbe dir *questo*.

Ne' decti tempi furono diverse cose di gran tremuoti, e castella e rocche e città rovinate, e venti sí forti che rovinavano le magioni e divegliavano gli àlbori di terra con tucte le barbe. E per tremuoto cadde la città di Penitus * e di Damasco e gran parte di Costantinopoli, e Actene tucta si disfece, ché più di xx$^{m.}$ di persone vi morirono; e il Culiseo di Roma gran parte ruinò. Et il mare forte scemò di calare, e molti navilii afondarono, e più di lx$^{m.}$ d' huomini affogarono; e v$^{m.}$ ne perirono solo nel mare di Cicilia, che annegarono.

In questo tempo la città di Melano e Chermona e Piacenza fecero una città contro Pavia, ch' avea guerra con loro. Acciò che fusse piú famosa di nome, sí lla chiamarono Allexandra, per nome del buono papa Alexandro. Poi il decto Papa, adimandato da' Lombardi, sí lle diede vescovo; e lo vescovo di Pavia privò della dignitate della croce e del palio, per ciò ch' elli teneva la parte dello Imperadore contro la Chiesa, e sempre teneva colli regi antichi che perseguitavano la Chiesa.

Questi, con ciò fusse cosa che lo 'mperadore e i decti papi tenessero tucto tucto † il patrimonio di san Piero da Acquapendente insino ad Capperano, salvo la città d'Orvieto e Saracina ‡ e Anagnia, sí n' andò in Francia e fece un gran Concilio nella città del Torso. E tornando ad Roma per mare, elli per forza di venti capitò a Messina in Cicilia. Il nobile huomo Guiglielmo re di § Cicilia non solamente lo ricevette come papa, c'avea guerra co llui, ma sí, co' fa buono filgluolo al buono patre, co molta dolcezza e bonaritade; e fedelmente si riconobbe a buona cosscienza ch' elli tenea la terra e 'l rengno tutto per la Chiesa e per lui. E perciò, sicome fedele, sí llo sequitò e venne co llui. Onde il decto Federigo inperadore, per l' amenda della persicuzione ch' avea data a

* Leggi *Beritus*. † Così il testo, e forse è un' erronea ripetizione.

‡ Così, e pare che dovrebbe dire *Terracina*.

§ Di qui incomincia il testo Magliabechiano-Strozziano, cioè il frammento dell'Autografo.

santa Chiesa, nel nome di Dio elli prese il sengno della santa + per passare oltremare, per riconperare la Terra Santa di Christo, la quale era perduta e venuta alle mani de' cani Saracini,* e 'l Saladino soldano avea presa Jerusalem; donde lo stuolo generale passò oltremare: e ciò fue nell' anno del Mille cento lxxxviij. Giunto lo 'nperadore † in Ermenia, al passare d'un picciolo fiumicello, elli faghò dentro; ma il suo filgluolo, il qual era allora co llui, sí llo inbalsimò e recollo infino a tTiro, e quivi si soppellio. Ed elli essendo colla madre si morio poi. Ed ‡ ancora morirono quasi tutti i baroni suoi e quelli di Filippo re di Francia e quelli del re Ricciardo filgluolo del re Tebaldo d'Inghilterra, in questo passaggio, sanza nullo adquisto.

In questo tenpo fue il valoroso e savio huomo messer Jovacchino abate in Calavra, il quale fece molti libri sopra l'Apochalipx e sopra il Germia profeta e sopra altri profeti. Questo Abate fue domandato da questi Regi predecti, com'elli capiterebono di questo passaggio ch' elli faceano oltremare contra i Saracini. Rispose l'Abate e disse:—Voi andate e farete niente, però che non è ancora venuto il tenpo che stabolito § est.

In questo tenpo Ridolfo, arcivescovo di Colongne, le sante corpora di tre magi, ciò fu Caspar e Baltasar e Melchior, allo re di Persia fece trasslatare in Costantinopoli, e quindi da Santo Storgio in Melano maravilglosamente trassportate, disfatta Melana dallo 'nperadore, in Colongne le ne portò.

Nel decto tenpo san Tomaso arcivescovo di Conturbiera in Inghilterra, nella chiesa sua metropolitana, chantando la messa all' atare, da ij servi del re Ricciardo fu morto: il quale Iddio fece per lui molti miracoli, e da beato Allexandro papa fue con reverenza calonizato. Nel decto tenpo Arrigo re d' Inghilterra mandò

* Qui è aggiunto nel margine, da mano posteriore: "l' anno 1187."

† "'nperadore" è correzione interlineare, sovrapposta a "stuolo" cancellato.

‡ Così rappresentiamo, e anche in seguito, il segno di congiunzione "7" succeduto dalla lettera "d."

§ Così il testo.

anbasciadori al decto Papa, singnificando la morte del decto san Tomaso; i quali anbasciadori giurarono in loro anima dinanzi al Papa ed al suo collegio, come Ricciardo re d' Inghilterra nonn avea colpa di quella morte. Ma il decto Papa, riceputi i decti anbasciadori in Toscanella, sí mandò in Inghilterra, per fare inquisitione di queste cose, iij cardinali, e dinanzi a questi tre cardinali venne il decto re Arrigo, ischusandosi e dicendo ke per sua fattura né consilglo il decto san Thomaso non fu morto. Ma per cagione ke san Tomaso era stato crucciato con Ricciardo re, per amenda della sua morte, mandò cc. chavalieri oltremare, a servire un anno la Terra Sancta contra li Saracini, ed ancora elli si sengnò di +, per passare oltremare da ivi a iij° anni.

Mclxxxj.

Lucio terzo, nato di Tosscana, sedecte papa anni iiij°, mesi ij, dí xviij; e vachò dí xiij. Nel tenpo di costui aparve la bontà di Pietro Mangnante, il quale rechò tutte le storie del vecchio testamento inn uno velume, disponendole uttilemente; e questo libro est chiamato il libro delle storie isscholastiche.* A questo Papa fue acusato il Vescovo di Rodens † di Francia per piú cagioni, d' esser disspossto de bbenificio; sí ke il Papa il volea dissporre. E quelli fue colli suoi amici episcopi e cardinali ke ll' aiutassero, e pregò il Papa ke per Dio nollo dovesse dissporre né falli questo disinore, infino a tanto ch' elli non fosse tornato nel suo vescovado, però [ch' elli] ‡ era grande e gentile huomo di suo paese: sí ke [il Papa], per prieghi e per amore, sí lli bollò lettere k' elli non fosse

* Questi è *Petrus Manducator* o *Comestor*, in Italia *Mangiatore*, in Francia *le Mangeur*; così chiamato per l'avidità con cui, leggendo, divorava i libri. Nato a Troyes in Francia, morí a Parigi nel 1198. La sua opera sulla Bibbia è detta appunto *Scholastica historia*. V. Lalanne, *Dictionnaire hist. de la France*, art. *Comestor*; Migne, vol. 198. V. anche Fabricio, nella *Bib. lat. mediae et infimae aetatis*, similmente alla voce *Comestor*.

† Rodez. ‡ Supplito, per la rottura della carta, e così appresso.

privato di suo benificio infino a tanto k' elli non fosse ritornato nel suo vescovado. Incontanente k' el Vescovo ebbe la lette * apo sé, sí disse :—Io oe ingannato il Papa.—Non pensò mai di ritornare al vescovado, anzi tenea dietro alla corte, godendo e faccendo grassa vita. Un giorno disse il Papa :—Episcopo, perké non torni tue a tuo vescovado?—Ed e' li rispose e disse :—Messere, perk' io non volglo essere dispossto.—E cosí tenne il vescovado, mentre ch' elli vivette, sanza ritornare.

In questo anno era consolo di Firenze messer Iacopo Eliseo e messer Catello Dietisalvi e messer Uberto Berteldi.

Anno Mclxxxij.

I Fiorentini presero per forza Montegrossoli ; ed in Firenze fue grandissimo caro, ché llo staio del grano valse soldi viij.

A questo tenpo era consolo di Firenze messer Bongianni Amidei e messer Uberto Infangati. Poi nel Mclxxxiij anni e' fue consolo di Firenze messer Bonfantino Bogolese e messer Donato Caponsacchi. Poi nel Mclxxxiiij anni fue consolo messer Vecchietto de' Vecchietti e messer Gianni Schiatta delli Uberti.

Questi Consoli governavano la città di Firenze dentro e di fuori, in tenpo di pace e di guerra.

Mclxxxv.

Urbano iij°, nato di Lonbardia, sedette papa anni j, mesi x, dí xxv.

In questo tenpo venne lo 'nperadore Federigo in Firenze, e menò secho un leofante. E tolse tutto il contado alle città di Toscana infino alle mura, salvo ch' alla città di Pisa ed a Pistoia. Poi asedette la città di Siena e combattéla infino alle mura.

Nel tenpo di costui fue presa Ierusalem e llo sancto Sipulcro d'

* Così il testo, invece di *lettera*.

oltremare, die primo kalendi lulglo,* dal Saladino soldano. Sentendo il Papa questa cosa, sí ssi diede a tanto dolore che di duolo sí ssi morio: e fue sepulto nella città di Ferrara.

E in questo die il sole ischuroe da la terza alla nona.

E di questo anno e mese i Fiorentini asedetto' † e disfecero il castello di Pongna e di Marcialla. Allora era' consoli di Firenze messer Petri Bosstichi e messer Uguiccione Uguiccioni e messer Ugho Ughi.

Mclxxxvj anni.

In questo anno Mclxxxvj Arrigo filgluolo di Federigo inperadore fu facto reggi di Sicilie, a contrario della corte di Roma.

Ed allora era' consoli di Firenze messer Scolaino delli Scolari e messer Ugholino de' Fifanti.

Mclxxxvij anni.

Consoli di Firenze messer Accorri de' Tedaldini e messer Caponsaccho de' Caponsacchi.

Gregorio viij°, nato di Benevento, sedette papa anni j, die xxvij; vacò dí xx. Questi, procacciando di soccorrere la Terra Sancta, iscrisse lettere in diverse parti del mondo, e fece invitare regi, principi e singnori al decto passaggio fare; e fece fare la pace tra' Pisa e Genova: ed elli si mosse ad andare in quello viaggio; ed a Pisa morio, e quivi fu sepulto.

Ancora il predecto Federigo inperadore, per amenda della guerra ch' avea fatta contra la Chiesa, si mosse sengnato di croce da Grigorio papa ottavo; e passato in Rimaniansia,‡ passando

* "d' oltremare die primo kalendi lulglo" è una delle giunte marginali, la quale continua "E in questo die il sole iscuroe" ec., fino a "messer Ugo Ughi," due capoversi che si stampano appresso. Questa trasposizione è necessaria per il senso; e così certo dovea stare anche nella mente dello scrittore, che errò nel fare i richiami.

† Cioè *assedettono*, *assediarono*.

‡ Anche addietro (pag. 220) parla di questo passaggio dell'Imperatore "in Ermenia," cioè in Armenia, come dev' essere; e qui di nuovo, come si vede, in

uno picciolo fiume dentro v'afoghoe, che ssi chiamava Ferro; e molta della sua gente vi perio.

E in questo medesimo anno molta gente di Firenze e dî Toscana sí presero croce da l' arciprete di Ravenna, a San Donato a Torri, per andare oltremare.

E in questo anno Mclxxxviij fue renduto il contado a' Fiorentini x milgla apresso alle mura. Ed allora era' consoli di Firenze messer Rustico Abati e messer Giuoco Giuochi e messer Ugho Albizzi de' Galigarii.

Mclxxxviiij°.

Clemente iij°, nato di Roma, filgluolo di Iohanni Scolaio, sedette papa anni iij, dí xxvj. In questo tenpo mosse lo stuolo generale, del mese di febraio, di crociati d' Italia, e passaro inn Acri oltremare. Questo Papa ordinò in Roma il chiostro di Sa' Lorenzo fuor le mura, e ricrebbe il palazzo di Laterano, e fece fare il pozzo dinanzi al cavallo del metallo.

Allora era' consoli di Firenze messer Uberto di Macci e messer Carretto de' Conpiobbi e Tingnosino delli Uberti. Poi nel Mclxxxx anni era' consoli di Firenze messer Mariano della Tosa e messer Bonbarone de' Sizii. Poi nel Mclxxxxj anno erano consoli di Firenze messer Manfredi Ponzetti e messer Chianni de' Fifanti e lo Schiatta delli Uberti.

Mclxxxxij.

Celestrino terzo, nato di Roma, filgluolo di Pietro Bubone, consegrato il die della Surexione di Christo, sedette papa anni vj, mesi viij, dí x; vacò dí j. Questi, il secondo die k' elli fu facto

un'aggiunta che comincia con questo capoverso "Ancora il predecto Federigo" ec. La parola "Rimaniansia" è chiara ed è scritta tra rigo e rigo, sopra e in sostituzione della parola "Suria" cancellata. Il copiatore del cod. Gaddiano scrisse *Romania*.

papa, coronò d'inperiale corona Arrigo inperadore. Elli fece un palazzo allato al palazzo di san Pietro.

In questo anno erano consoli di Firenze messer Tegrimo di conti Guidi paladini in Toschana, e Chianni di Fifanti.

E in questo anno si fece ordinamento in Firenze ch' e' conti Guidi e li conti Alberti e li conti da Capraia e li conti da Certaldo, Ubaldini e Filigiovanni, Pazzi ed Ubertini, conti da Panago e li singnori da Montemangno e la casa d'Ormangna e di Pier Pagano, ed altri nobili assai cittadini, dovessero abitare i quatro mesi dell' anno nella città di Firenze. E lungo tenpo s' aservoe a grande onore del Comune.

Mclxxxxij.

Arrigo della Mangna quinto inperò anni viij, e fue coronato da papa Celestrino predecto del mese d'aprile, il lunedí d' alba di Risorexio.

In questo anno Arrigo intrò coll' oste sua in Pulgla; e donò alli Romani il rengno di Toscolano, il quale fue per loro disfatto.

In questo anno, dí xxij di giungno, sí oschuroe il sole dal mezodí infino alla nona.

Questi,* il primo anno, entrò nel reame di Cicilia e vinse tutta la terra di Pulgla infino a nNapoli; ed asediò Napoli continuamente per iij mesi passati. E fue in quella osste sí grande infermeria che gran parte di baroni e chavalieri infermaro e morirono; e llo 'nperadore medesimo v'infermò, e con pocha gente tornò adietro. Questo Inperadore tolse per molgle la nobile donzella Gostanzia filgluola del re Guisscardo di Cicilia. E nel quarto anno del suo inperiato elli vinse tutto il rengno di Pulgla; e molti che ssi fecero suoi rubelli a morte ed a pena tormentò; e Tancredi filgluolo del re Tancredi di Cicilia suo rubello, lui e la molgle Margarita menò presi nella Mangnia prigioni.

* Intendi, l'Imperatore.

Mclxxxxiij ani erano consoli di Firenze messer Alberto conte di Mangone e messer Iacopo Usinbardi.

In questo anno Mclxxxxiiij anni, il decto Arrigo inperadore prese Salerno per forza, e tucto il rengno di Cicilia e tutto il retaggío della reina Gostanzia, cioè Cicilia, Pulgla e Calabra; la quale conquistò il predecto Ruberto Guisscardo per forza di lancia, e trassela di mano di Saracini; * la quale possedea il Saladino soldano e 'l grande Massamuto di cavalleria e lo nobile huomo Sirii di Baruti.

Erano consoli di Firenze messer Catalano Salandri della Tosa e messer Uberto delli Uberti. Poi nel Mclxxxxv anni fue consolo di Firenze messer Lanberto Lanberti e messer Ubaldo Usinbardi. Poi nel Mclxxxxvj anni fue consoli di Firenze messer Aldobrandino Barucci e conpangni.

Poi nel Mclxxxxvij anni, del mese d'ottobre, morio il detto Arrigo inperadore in Cicilia nella città di Palermo; a grande onore fu sopellito.

In questo anno erano consoli di Firenze messer Conpangno Arrighucci e messer lo Schiatta delli Uberti. Poi nel Mclxxxxviij,† esendo consoli di Firenze messer Davizzino della Tosa e messer Gherardello di Vissdomini,‡ i Fiorentini disfecero Frondingnano, e l' asedio si puose a Simifonti, nobile e fortissimo castello ch' era di conti da Certaldo.

In questo anno Mclxxxxvij fu disfatta la roccha di Saminiato del Tedessco da' terrazzani.

In questo anno fue generale pace per tutta Ytalia.

* Qui manca qualche parola. Dopo aver parlato di Roberto Guiscardo, il cronista probabilmente voleva parlare di Gerusalemme e delle Crociate.

† Era prima scritto "mclxxxxviiij," e fu corretto il "viiij" in "viij."

‡ Questi due nomi sono sostituiti a quelli di "Arrigho conte di Capraia e Conpangno Arrighucci."

Anni Domini Mclxxxxviiij°.

Inocentio terzo, nato di Campangna, filgluolo di Trassmodo, sedette papa anni xviij, mesi iiij, dí xxiij; vacò dí iij. Questi fue consecrato papa il dí di Chattera San Pietro; e quanto elli fue grorioso nell' opere di vertute, elli fue manifessto. Tutte le sue opere fuorono di misericordia: elli maritava femine povere e popille, e tal mettea in monistero, e consolava orfani e vedove, e facea ponti e spedali; e fece lo nobile spedale in Roma di sancto Spiritu; e rinnovò la chiesa di san Sixto papa; e conpuose dicreti e dicretali e sermoni, e conpuose il libro della misera * conditione dell' umana generatione; e molte altre cose fece gloriose. Elli diede a tutte le chiese di Roma una libra di fine argento per fare calici, in cotale patto ke mai non si potesse vendere sotto di certa pena.

Erano consoli di Firenze messer Arrigo conte di Capraia e messer Bonconpangno Lanberti.

Anni Domini Mcc, di nuovo fu fatto ed eletto primamente podestade in Firenze per invidia del Consolato: ciò fue messer Paganello da Porcara di Luccha; e 'l suo salaro con tutta sua familgla, per anno, libre c. di piccioli.

Nel tenpo di costui,† sotto l' anno del Mcc anni, la città di Costantinopoli fu presa per li Francesschi e da' Viniziani, la quale è una delle maggiori cittadi del mondo. Della quale presura molti cittadini della terra da ivi a pochi die non poteano credere che cciò fosse vero, sí perké la terra è molto forte e grande, ed ancora si trovava in una profezia ke lla terra dovea esser presa per uno angelo, e non per huomo humano. Ma nollo 'ntendeano bene; però che lli nimici entrarono per una porta che v' è intalglato di marmo uno angelo, e llo singnore di quella osste avea nome messer Angelo Angiolieri. Poi Baldovino conte di Fiandra ne fu coronato inperadore.

* Il testo, per errore, ha "miseria."

† Intendi, il papa detto di sodar.

Ed in questo anno morio Arrigo inperadore nella città di Palermo in Cicilia; donde nacque grande disscordia intra 'principi di fare eletione, e 'lleggere Inperadore: l'una parte 'lesse Otto iiij di Sansongna e l'altra elesse Filippo. Ma Otto fu poi per volontà del papa Inocentio, ke llo 'ncoronò.* Ma alla fine vincendo Filippo, essendo già tra lloro la pace ordinata, per inganno e frode dell'Antigrado † della Mangna, Filippo da assesini fu morto; e per questo modo tenne Otto lo 'nperiato, ed anke perké papa Innocenzio era nimicho de Felippo ch'era rubello della Kiesa. E ciò fue ancora per lo suo fratello Arrigo, k'era stato malvagio inperadore contra la Chiesa ed avea fatti uccidere in Cicilia vescovi ed arcivescovi ed altri plelati; ‡ per la qualcosa il Papa lui e suoi discendenti e seguaci erano scomunicaty: e però s'erano appogiati il Papa a Otto di Sansongna. Item il decto Papa, dopo la morte del decto Filippo, fece choronare il decto Otto re della Mangna.

In questo anno Mccij fu coronato il detto Otto. E lla singnoria di Tartari coninciò § a sengnoreggiare, i quali abitavano sotto i monti d' India, e uccisero il loro rege il quale avea nome David, il quale era stato filgluolo di Iohanni prete; || ed allora coninciaro ad aquistare terre e a ffare reami, e a ffare d' arme e di cavalleria.

Questo Otto fue poi dispossto della singnoria, perké cadde in briga colla Chiesa e non observava la fedaltade.

Ma in questa indictione nel Mcc anni, il nobile borgo di Sanginegio, posto a piede di Saminiato, per li Saminiatesi fue tutto disfatto e recato a piano; ed etiandio le chiese infino le fondamenta.

* Cosí il testo. M. P. ha in questo luogo, p. 384: "Sed Otto coronatus est ex mandato Papae."

† Langravio. Allude alla uccisione di Filippo (21 giugno 1208) per mano di Ottone di Wittelsbach.

‡ Cosí il testo. § Cosí il testo, e anche appresso altre volte.

|| Allude alla leggenda del Presto o Presbitero Giovanni e di David suo figliuolo. Ved. anche Villani, V, 39.

Apresso, nel Mccij anni, i Fiorentini, parendo loro essere gravati da certi nobili e potenti huomini della terra di Simifonti, da capo riconinciaro guerra e fecero osste; e ciò che di prima v' era rimaso, sí llo guastaro. E similglante fecero al castello di Conbiada * in Valdimarina. Allora era consolo Aldobrandino Barucci e Nerlo di Sizij di Mercato vecchio.

Poi apresso, Mcciiij anni, i Fiorentini fecero di nuovo il castello di Montelupo per dispetto e contradio del castello di Capraia, il quale li è possto dirinpetto. E in questo anno a' Fiorentini, per trattato di conti Guidi, i Pistolesi tolsero a' Fiorentini il castello di Monte Murlo, con ciò sia cosa che 'l terziere di Pistoia, cioè porta Guida, era libera giurizione † di conti Guidi, e la terra di Monte Rappoli e tutto Greti, col castello d' Enpoli vecchio e di Puntormo.

Mccvij°.

Otto quarto di Sansongna inperò anni viiij. Questi fue incoronato da Inocentio papa terzo nella chiesa di san Petro. E nel suo primo anno elli mandò un legato con xij abati dell' ordine di Cestella nella terra Albingese, a predicare la fede di Cristo alli eretici; ‡ ay quali s' angiunse di sSpangna e Didacho vescovo sí smosse e menò in sua conpangnia il santissimo huomo frate Domenico, per li eretici convertire.§ Il quale Domenico fue capo mastro dell' Ordine di frati predicatory.

In questo anno i principi d' Ytalia elessero inperadore Federigo filgluolo dello 'nperadore Arrigo; il quale re di Cicilia mosse del rengno, e venne per mare ad Roma, onde dal Papa e da' Romani

* Combiate. † Cosí il testo.

‡ Non l'Imperatore, ma il Papa, mandò il legato e gli abati a predicare agli eretici. Il compilatore non intese bene il testo di M. P. (pag. 387), che dice: "Ab Innocentio papa cum legato duodecim abbates . . . mittuntur."

§ Anche qui è male tradotto il P. (pag. 387), che dice: "Quibus de Hispania Didatus Oxoniensis episcopus, habens secum fratrem Dominicum, in suo comitatu haereticis convertendis adiungitur.'

honorevolemente fu receputo: e quivi fece convengna e ordinatione co lloro, e partísi di Roma e andò nella Mangna, e fece battalgla contra Otto di Sansongna inperadore e di lui ebbe vittoria.

E in questo anno, Mccvij anni, esendo podesstade di Firenze messer Gualfredotto da Milano, a dí xxj di giungno i Fiorentini puosero asedio al castello di Monte Alto di Siena. Onde i Sanesi uscirono fuori per fare la difensione; fecero battalgla, dove molta gente fue morta: e' Fiorentini ebbero la vittoria sopra i Sanesi, e xij^{a} di prigioni ne menaro presi in Firenze. E tralli conti Guidi e Pistolesi si cominciò grande guerra; onde i Pistolesi li privarono dell' onore e del censo * ch' elli aveano della città di Pistoia.

Poi, nel Mccviij, i Fiorentini andaro, del mese di maggio, ad oste sopra la città di Siena, e tutta la guastaro infino alle mura; e poi disfecero Rugongnano, uno nobile castello.

Item nel Mccviiij i Fiorentini conperarono il castello di Monte Murlo libre v$^{m.}$; e' Fiorentini andaro ad osste sopra Siena e tutta la guastaro, e disfecero Rapolana loro castello. Era podestà messer Gianni Giudice di Papa.

In questo tenpo, nel Mccx, si convertio alla fede di Cristo lxx$^{m.}$ huomini.

E nel Mille ccxv, del mese di novembre, nella chiesa di Laterano, la madre di Federigo inperadore chiamata Gostanzia, per papa Innocenzio fu celebrato un Concilio universale † in soccorso della Santa Terra d' oltremare, e per buono e universale stato della Chiesa; intra lla quale sollenitade e Concilio fue tra vescovi ed arcivescovi e patriarci e sancti abati e nobili prelati mccxv. Nel quale Concilio molti buoni e sancti ordinamenti; ‡ e fue

* Il testo ha "celso," per quello scambio dell' *n* colla *l* di cui già vedemmo un esempio a pag. 11, e altri ne vedremo in seguito.

† Altro e più grave strafalcione. Il testo di M. P. (p. 392) è "in basilica Lateranensi, quae Constantiana vocabatur, celebratum est Concilium generale" ec.

‡ Manca *furono fatti* o altro simile complemento. Il P. (loc. cit.) dice "multa utilia statuta fuerunt promulgata."

consecrata la chiesa di santa Maria Trasstevere. In questo Concilio il decto Papa dannò il libello che ll' abate Jovacchino avea facto contra il mastro Pietro Lonbardo. Item dannò Amerigo * Carnontese colla sua dottrina, secondo che dice la dicretale che conincia: *Dannamus* etc. Il quale Amerigo disse che lle forme ke ssono nella mente di Dio, a cchui similitudine tutte l' altre cose sono fatte, ed erano in principio e sono create.† Ma beato Augustino dice ke nella mente di Dio nonn à nulla mutazione, ma ttutta cosa etternale e che giamai non si muta. Disse ancora beato Agostino che dDio è fine di tutte le cose, perciò ke in Dio tutte le cose si riposano sanza nullo mutamento e infine tutte permarranno in lui, sicome cosa ke non si può dividere né mutare. E ancora dicea il decto Amerigo erronico, che dDio est essenzia di tutte le creature e ll' essere di tutte le cose; e item disse ke tutti quelli che ssono in caritate niuno peccato sarà inputato. Onde, sotto cotale spezie di pietade, i seguagi del decto Amerigo ongni sozza cosa liberamente faceano in ongni bruttura di pecchato. E ancora allegava ke sse ll' uomo e lla femina nonn avesse' peccato, cioè c' avesse peccato pur l'uno e non l'altro, le genti non sarebbono perdute, e dicea che sarebbe stata generatione; e secondo che montiplicano ‡ li angeli sarebbero gl' uomini montiplicati; e che dopo la sua surexione, l' uomo e la femina sarà pur uno sensu. I quali tutte queste cose si truovano errori, secondo ch' appare nel libro intitolato Perphiseo, e à nome il libro d' Amerigo. Il quale Amerigo fu arso a Parigi con tutti i suoi seguagi e libri.

In questo tenpo Innocentio papa, per soccorso della Terra Sancta, intendendo di mettere pace tra' Genovesi e' Pisani e Lonbardy, si mosse, e non poteo finire e morio a Perugia, ed ivi fue soppellito nella chiesa di Sancto Laurentio. Ma i Peru-

* Amorico di Bena. V. Tocco, *L'Eresia nel Medio Evo*, lib. II, cap. 2.

† Il P. (loc. cit.): "Qui Almaricus asserit, ideas quae sunt in mente divina creare et creari."

‡ Così il testo, e anche appresso.

gini distrynssero sí forte i cardinali, che da ivi a j * giorni fecero Papa.

Anni Mccviiij.

Onnorio quarto, nato di Roma, sedette papa anni x, mesi viij, dí xxiij; vacò dí j. Questi fue eletto papa in Perugia; il quale apo Sa' Lorenzo fuor le mura il conte Altissiodorense,† ch' avea nome Pietro, coronò inperadore di Costantinopoli. Elli rinnovò la chiesa di Sancta Sanctorum. Elli confermò l' Ordine di predicatori ‡ nel primo anno del suo pontificato, procacciandolo frate Domenico nato di sSpagna, il quale fu trovatore dello sancto Ordine; sopra al quale era stato molto duro papa Innocentio a confermare. Ma elli vide una visione ke lli parea che lla chiesa di sancto Johanni di Laterano cadesse, se non fosse che parea ke questo frate Domenico, che cominciò l' Ordine di frati predicatori, la sostenesse; e perciò si puose in chuore di confermallo, senno' che lla morte gli sopravenne, siché non poteo. Ed in questo tenpo fue beato sancto Francesscho, capo dell' Ordine di frati minori, filglolo di . . . nato di. . . . E lli Romani passaro oltremare, e per forza presero la città di Damiata; e' Saracini che v' erano dentro tutti fuoro messi alle spade: e questo nel Mille ccxiij anni; ed alla decta cittade istette l' assedio § ij anni e vij mesi e xxj die.

Item Mccx anni si fece la pace tra' Fiorentini e li Sanesi, ch' era bastata la guerra anni v. Allora era consolo messer Catalano della Tosa.

Ed in questo medesimo anno fue coronato Otto di Sansongna e unto e consecrato re della Mangna e re di Romani, ed era vacato

* Prima avea scritto "tre," poi cancellò e pare correggesse "j."

† Anche il P. (pag. 398) ha "Petrum Atisiodorensem comitem," il quale è Pietro di Courtenai conte d'Auxerre.

‡ Qui è nell' originale un "el p" che omettiamo, sebbene non cancellato. Pare che il compilatore cominciasse a scrivere *el primo*.

§ Il testo ha "assedi."

lo 'nperio anni xiij. E in questo medesimo anno, il detto Otto inperadore si rubellò dalla Chiesa, e per l'Aposstolico fue dissposto e maladetto e scomunicato. Ed in questo medesimo anno il predecto Otto fece battalgla collo re di Francia nel reame di Francia, e fue sconfitto e morto elli e tutta la sua gente maladetti e scomunicati. E la battalgla fue in Fiandra al Ponte a Bovine.

Poi, nel Mccx ani, morio il grande e valente huomo messer lo conte Guido vecchio di conti Guidi, huomo savio e dengno di molte lode.

Item Mccxv anni, esendo podestade messer Currado Orlandi, nella terra di Canpi apresso a Florenzia vj milgla, si fece chavaliere messer Mazzingo Tegrimi de' Mazinghi; ed invitòvi tutta la buona gente di Firenze. Ed essendo li chavalieri * a tavola, uno giucolare di corte venne e llevò uno talgliere fornito dinanzi a messer Uberto dell' Infangati, il qual era in conpangnia di messer Bondelmonte di Bondelmonti; donde fortemente si cruccioe. E messer Oddo Arrighi de' Fifanti, huomo valoroso, villanamente riprese messer Uberto predecto; onde messer Uberto lo smentio per la gola, e messer Oddo Arrighi li gittò nel viso uno talgliere fornito di carne: onde tutta la corte ne fue travalglata. Quando fuorono levate le tavole, e messer Bondelmonte diede d'uno coltello a messer Oddo Arrighi per lo braccio, e villanamente il fedio. Tornati ongnuomo a sua magione, messer Oddo Arrighi fece consilglo di suoi amici e parenti, infra lli quali fuorono Conti da Gangalandi, Uberti, Lanberti e Amidei; e per loro fue consilglato che di queste cose fosse pace, e messer Bondelmonte tolglesse per molgle la filgluola di messer Lanbertuccio di Capo di ponte, delli Amidei, la quale era filgluola della sorore di messer Oddo Arrighi. Fatto il trattato e la concordia, e l'altro giorno apresso si dovea fare il matrimonio; e madonna Gualdrada molgle di messer Forese di Donati sacretamente mandò per messer Bondelmonte e disse:—Chavaliere vitiperato,† ch' ài tolto molgle

* Il testo ha "cavali," per mancanza del segno d' abbreviatura.
† Così il testo.

per paura dell'Uberti e di Fifanti; lascia quella ch' ai presa e prendi questa, e sarai senpre inorato * chavaliere.†—Tantosto elli ebbe asentito a questa opera fare, sanza alkuno consilglo. Quando venne l'altro giorno, al mattino per tenpo, giovedí die x di febraio, e la gente dall' una parte e d'altra fue raunata, venne messer Bondelmonte e passò per Porte Sancte Marie, e andò a giurare la donna di Donati, e quella delli Amidei lasciò stare, sotto questo vituperio chen inteso avete. Vedendo messer Oddarighi questa cosa, fu molto cruccioso; e fece uno consilglo, nella chiesa di santa Maria sopra Porta, con tutti li suoi amici e parenti, e quivi fortemente si lamentò della vergongnia che lli era stato fatto per messer Bondelmonte. Sí che fue consilglato per certi huomini ch' a llui fosse dato d'uno basstone, e altri dissero k' elli fosse fedito nella faccia: infra lli quali rispose messer Mosscha di Lanberti e disse:—Se ttu il batti o ffiedi, pensa prima di fare la fossa dove tue ricoveri; ma dàlli tale che ssi paia ché cosa fatta cappa à.—Avenne che tra lloro fue diliberato che lla vendetta fosse fatta in quello loco dove la gente era raunata a fare il giuramento del matrimonio. Siché lla mattina della Passqua di Risorexio, appiè di Marzo, in capo del Ponte Vecchio, messer Bondelmonte, cavalcando a palafreno in giubba ‡ di sendado e in mantello con una ghirlanda in testa, messer Ischiatta delli Uberti li corse adosso e dielli d'una mazza in sulla tessta e miselo a terra del cavallo, e tantosto messer Oddarighi con un coltello li seghò le vene, e lasciarlo morto. E questa possta fue fatta in casa gli Amidei. Allora lo romore fue grande; e fue messo in una bara, e la molgle istava nella bara e tenea il capo in grenbo fortemente piangendo; § e per tutta Firenze in questo modo il portarono.

In quello giorno si cominciò la struzione di Firenze, che inprimamente si levò nuovo vocabile, cioè Parte guelfa e Parte

* Cosí, invece di *onorato*.

† Il testo "havaliere."

‡ Il testo pare che legga "gibba."

§ Il testo pare che legga "piangento."

ghibellina. Poi dissero i Guelfi :—Appellianci parte di Chiesa ;— e Ghibellina * s' apellarono parte d' Inperio, avengnadio ch' e' Ghibellini fossero plubici paterini. Per loro † fu trovato lo 'nquisitore della resia. Onde per tutti i Cristiani è sparta questa malattia. E iij^{c}m. d' huomini e piú ne sono morti, ké ll' uno pilgla l' una parte e l' altro l' altra. Durando la guerra lunghissimi ‡ tenpi, i Bondelmonti e li Uberti fecero pace ; e messer Rinieri Zingani di Bondelmonti diede per molgle la filgluola a messer Neri Piccolino fratello di messer Farina : ciò fue nel Mccxxxviiij anni. La quale donna fue molto valente donna e molto savia e bella.

Or avenne che lli Uberti, Lanberti, Caponsacchi e Amidei, Conti da Gangalandi, Bogolesi e Fifanti andarono a Canpi in servigio di Bertaldi ; da' Bondelmonti e loro seguagi guelfi traditamente di subito fuorono assaliti e sconfitti e morti ; e messer Iacopo dello Schiatta Uberti per Simone Donati vi fue morto, e messer Oddarighi di Fifanti con altri assai gentili huomini ; ed a messer Guido de' Galli fu mozzo il naso con tutto il labro, e fessa la boccha da ciascuno lato insino alli orecchi. E questo trattato fue di Bondelmonti, credendo avere preso messer Farinata e messer Neri Piccolino e messer lo Schiatta Uberti. Ritornati i Ghibellini in Firenze sconfitti, la guerra cittadina fue coninciata, le fortezze di torri e di palagi tutto giorno conbatteano di manganelli e di trabocchi, dove molta gente peria. Allora messer Neri Piccolino rimandò al padre la molgle dicendo :—Io non volglo generare filgluoli di gente traditore.—Tornata la donna a casa Bondelmonti, messer Rinieri Zingare suo padre, contra sua volontade, al conte Pannocchino di conti Pannochiesschi la rimaritoe. E quando la donna fue a casa del suo marito, e volendo prendere gioia di lei per debito modo, e lla donna pian-

* Intendi, e la Parte ghibellina ; se pure non voleva scrivere *Ghibellini.*

† Intendi, per cagion loro, o anche, contro di loro.

‡ Il testo ha "lunghissi."

gendo li chiese mercede e disse :—Gentile huomo, io ti priego per cortesia che ttu non mi debbie apressare né fare villania, sapiendo che tu se' ingannato, k' io non sono né posso essere tua molgle, anzi sono molgle del piú savio e milglore chavaliere della provincia d' Italia, cioè messer Neri Piccolino delli Uberti di Firenze.—Quando il conte Pannocchino udío questa cosa, come gentile e cortese huomo, non prese di lei alkuno sollazzo; ma presa a dimandare com' era la cagione, e poi amorosamente la prese a confortare e consilglando, sí lle fece nobili e grandi donamenti, e sí lle diede quella conpagnia ch' a llei si convenia. E fecesi suora rinchiusa del munistero di Monticelli Vecchio. Poi rimase la guerra di Bondelmonti colli Uberti e colli Fifanti con molta travalgla, sicome legendo iscritto troverete, ke ll' una parte è Guelfa traditori e l' altra sono Ghibellini paterini.

In questo anno Mccxv papa Inocenzio fece a rRoma concilio di tutti i cherici d' Italia.

Anno Domini Mccxx.

Federigo secondo, nato della Mangna, del gentile lingnaggio della casa di Soave, filgluolo dello 'nperadore Arrigo quinto e della 'nperadrice * Gostanzia filia del re Ruggieri, reina di Cicilia e di Pulgla e di Calavra, fue incoronato a Roma, lo die di sancta Cicilia, inperadore.† Inperò anni xxxiij, e fue coronato da Onnorio papa iiij° nella chiesa di san Pietro, lo benaventuroso giorno di santa Cicilia. Questi rimase pupillo in guardia della Chiesa sicome sua tutrice, e infino nella sua giovanezza coninciò ad essere huomo di grande valore. Or avenne ch'elli cadde in disscordia con papa Onnorio, donde sopra lui fece forti processi e scomunicollo e tutti i suoi baroni asolvette del saramento della

* Il testo ha " 'nperadice."

† Da " fue incoronato " fin qui fu aggiunto dal compilatore tra rigo e rigo, erroneamente forse parendogli di aver omesso questo particolare, che è subito dopo.

fedaltade ch' alla sua maestà inperiale aveano giurato. Donde naquero diverse tribulationi e scandali tra llui e la Chiesa, sicome qui apresso udirete.

In questo anno Mccxxj la città di Damiata rivenne a mano di Saracini; e papa Onnorio predecto morio, e fue sepulto nella chiesa di santa Maria Maggiore di Roma.

Elgl' è vero ke questo Federigo secondo fue huomo mirabile e di grande intendimento: elli conobbe ed ebbe in sé tutte le grandi bontadi ch' omo del mondo dovesse avere. Quando elli fue allo 'ncoronare sí vi fue tutte l' anbascerie del mondo, Cristiani * ed ispezialmente di Fiorentini molta nobilissima: † donde li Pisani ne portarono grande invidia, usando contra i Fiorentini oltraggiose parole e fatti. Onde i Fiorentini conbattero co lloro, e fedirlli e ucciserli con grande danno e disonore di Pisani. Allora si coninciò la guerra tra Pisa e Firenze.

Mccxxij anni. Esendo podesstà di Firenze messer Ugho Grigorii di Roma, grande guerra si coninciò tra li Pisani e li Fiorentini; e a dí xx di lulglo i Fiorentini andarono ad oste sopra il terreno di Pisani; e' Pisani, volendo risistere contra li Fiorentini, usciro ‡ di Pisa, popolo e chavalieri, e fecero battalgla grandissima e perdero; e' Fiorentini ebero la vittoria sopra di loro, nel piano di Morici al castello del Bosso; dove fue grande mortalità, e xv^c di prigioni Pisani ne fuoro menati presi in Firenze.

Nel Mccxxv § anni i Fiorentini asediarono Fighini e l'Ancisa e poi l' ebbero e disfecerlo; ma poi rifecero l'Ancisa. E in questo anno valse lo staio del grano soldi xvij.

Anni Domini Mccxxvj.

Grigorio nono, nato di Campangna, huomo di gentile lingnaggio, sedette papa anni xiiij, dí x; vacò dí xx. Questi era inprima

* Cosí il testo. † Sottinteso *ambasceria*.
‡ Il testo, per errore di scrittura, ha *uscriro*.
§ Prima avea scritto "xxiij," poi corresse "xxv."

cardinale vescovo d'Osstia, ed era il piú drudo e caro amico che llo 'nperadore Federigo avesse in corte; ed avea nome messer Ugolino. E fue eletto papa a dí vij di marzo apo Settesolglo.* Questi fue poi il magiore nimico dello 'nperadore k'elli avesse nel mondo. Elli canonizzò la beata sancta Helisabet, filia del re d'Ungaria. La quale un giorno, essendo pulzella delle piú belle del mondo e delle piú amaestrate in iscritura, sí era piena di tanta limosina e caritade ke nulla cosa sí lasciava a dare per Dio; ed ispendea e donava per suo amore tutti suoi vestiri e gioielli, e tutto il pane levava delle mense e dava a' poveri, ricevendone molte vergongne dal padre e da la madre e dalle sue cameriere. Or avenne un giorno che llo re d'Ungaria suo padre fece una grande festa, dove convitò molti baroni e chavalieri, per maritare Ysabetta sua filia al filgluolo dell' Antigrado della Mangna. E quella stando alle finestre della camera, e vide molta quantità di poveri ch' aspettavano la limosina, celatamente fece torre per suo comandamento tutto il pane della cesa e fece † dare per Dio a' poveri; e finalmente vi ne canparo ‡ v poveri ke nonn ebero limosina. E lLisabetta si mosse, e tolse il pane ch' ella dovea desinare colle sue cameriere, e portavalo in grenbo per dare a' poveri; sí ch' all' uscire della camera, il Re co molti baroni le si fece incontro per farle vergongna, fecesi mostrare quello c'avea con seco. La faccia le coninciò ad arossare ed a inpiersi di paura e di vergongna, e mostrali il grenbo; e questo pane fu diventato tutto rose bianche e vermilgle: ed era per la passqua della Natività di Cristo all' uscita di dicenbre. Donde tutta la corte e 'l reame si n' enpieo, e quivi fue la maggiore fessta del mondo; e tutte § le tavole si trovaro piene di rose e di fiori e di pane biancho, e tuttavia crescea.

Questo Gregorio papa confermò tucto ciò k'avea facto papa

* Il Settizonio, presso il Palatino.
† Il testo ha, per errore di scrittura, "fede."
‡ Intendi, ve ne restarono. § Il testo ha "tutta."

Innorio suo anticessoro; e tolse per sentenzia l'antigrado di Toringia allo 'nperadore Federigo. E volendo elli celebrare Concilio ad Roma, ed essendo per mare e per terra per lo 'nperadore istrette le vie e' passi, venendo due cardinali d'oltremonte a corte, ciò fue messer Oddo e messer Iacobo vescovo di Penestrino, con molti cherici e plelati * di sancta Kiesa al Concilio in soccorso della Chiesa, da' Pisani per comandamento dello 'nperadore, a Monte Argentaio, fuorono presi e tursati in mare.

Questo Papa fece fare a frate Ramondo, suo penetenziere e capellano, dell' Ordine di predicatori, di tutti i velumi de' Dicretali fece fare un libro; e comandò ke per tutti i maestri fosse usato e insengnato.

Questi, avendo grande briga collo 'nperadore, era quasi in Roma assediato: e lo 'nperadore avea già preso † per forza tutto il patrimonio di San Pietro e quello della Kiesa, e tutti i grandi di Roma erano corrupti per pecunia, e da neuno potea essere atato né consilglato; sí tolse le capita delgli apostoly santi, e portando queste sante orlique a processione dal Laterano infino a San Piero, per la qual cosa rappellò a ssé li animi delli omini di Roma, e grande pianto di pietade, tutti o gran parte si sengnarono di croce contra lo 'nperadore. Per la qual cosa lo 'nperadore udendo e vedendo ciò, maravilglossi forte, che ssi vedea rivolta la gente contra sé, e credeasi intrare in Roma e fare tutte le sue volontadi; per questa paura si ritornò indietro.

Questo papa canoninzò il beato Domenico di Spangna, maestro e capo dell' Ordine sancto di frati predicatori, il qual era stato soppellito in Lonbardia nella città di Bolongna, concorrente gli anni Domini Mccxxiij; essendo passati xviij anni da quello giorno al die della confermagione dell' Ordine, e anni viij dalla sua morte.

Mccxxviij anni, alla singnoria di messer Andrea Iacopi de Perugia i Fiorentini andarono, popolo e chavalieri col carroccio,

* Cosí il testo. † Il testo ha "presa."

sopra la città di Pistoia, e le borgora infino alle mura, intorno intorno, tutto guasstaro; e disfecero Monte Fiore, una bella torre, e lo castello di Carmingnano. Poi vennero alle comandamenta di Fiorentini, e fecero pace.

Mccxviiij anni i Sanesi ruppero pace alli Fiorentini, e per dispetto di Fiorentini guasstaro il castello di Monte Pulciano ch' era racomandato di Fiorentini; e questo fue del mese d'agosto. Poi del mese di settenbre, per fare la vendetta, i Fiorentini cavalcarono popolo e chavalieri nelle terre di Sanesi, sopra il castello d'Asciano, e tutto il contado * di Siena da quella parte guastarono.

Nel Mccxxx i Sanesi ruppero pace a' Fiorentini. E fu trovato nella cossta del pPoggio di Montissci, nel contado di Firenze, uno bangno freddo d' una sancta acqua, la quale gueria tutte infermitadi; ed eziandio somilglante fu trovato un altro bangno freddo santissimo, ch' è nella cossta di Monte Morello, sopra lo rivaggio di Tersolla. E ciascuno di questi bangni per lo Comune di Firenze fu dotato di c. braccia di terreno intorno intorno.

E in questo anno, era podestà messer Otto da Bandello, die xxj di giungno,† i Fiorentini andaro ad oste sopra la città di Siena, col carroccio e collo stendale ispiegato; e guastando tutto dintorno il contado di Siena infino alle porte, chavalcaro innanzi infino alla roccha di Radicofano ed a San Guilicho e lo Bangno a Petriuolo; e disfecero xxij castella, e talglaro il grandisimo pino da Monte Cilglese e la torre colli serralgli ed istecchati del borgo, infino alle mura. E' Sanesi uscendo fuori per difende', la battalgla fue grande; i Fiorentini gli sconfissero. E le donne vi vennero a conbattere, e Alberto conte di Mangone alla porta puose lo schudo. La mortalitade fu grande, e la terra fu quasi tutta presa; e sed e' non fossero stati misericorduosi,‡ tutta la poteano distruggere a ffuoco ed a ferro. Li prigioni, che nne menaro presi in Firenze,

* Il testo legge "conto."

† Prima era scritto "lulglo," poi fu cancellato e corretto "giungno."

‡ Così il testo.

fuorono mcccxxxv huomini; e molte donne belle di Siena fuorono prese, e per forza menate in Firenze per drude di coloro che ll' aveano guadangnate.

Nel Mccxxxij anni i Sanesi, per disspetto di Fiorentini, disfecero il caste[llo] di Monte Pulciano. E tantosto i Fioren[ti]ni cavalcaro sopra Siena, popolo e chavalieri, e tutta la guasstarono; e poi puosero l' assedio a Quercia Grossa, a iiij milgla presso a Siena, e per forza di battalgla la presero; e tutti gl' uomini ke v' erano dentro ne menarono in Firenze in prigione. E fue del mese di settenbre battalglato fortemente con vij difici.

In questo anno s' aprese il fuoco in casa di Caponsacchi, tra lli Spadari; e quivi arse tutta la ruga, e xxij tra omini femine e fanciulli.

Nel Mccxxxiij anni, alla singnoria di messer Torello da Strata, die xviij di maggio, i Fiorentini andaro ad osste sopra li Sanesi, ed asediarono la città di Siena dalle tre parti; e xxij * vi gittarono dentro,† e per piú onta di loro, v asini vi fuorono manganeggiati; e intorno intorno fue guassta. E liiij die vi stette l' osste.

Ancora l' altro venente apresso di quello, Mccxxxiiij anni, i Fiorentini ritornaro ad oste sopra la città di Siena, e tutto il suo contado infino alle mura guasstarono; e liij die vi dimorarono, e disfecero Assciano ed Arcaleccho e xlv castella; e questo fue a dí ij di giungno. Era podestà di Firenze messer Gianni Giudice di Roma.

In questo anno, la notte della passqua di Natale ‡ arse § tutto il Borgo di Piazza, oltrarno, dall' uno capo all' altro.

Apresso, l' altro anno, Mccxxxv anni, alla singnoria di messer Conpangnone Poltroni, i Fiorentini e' Sanesi, di lunga guerra

* Cosí il testo, e pare debba intendersi *a xxij di maggio.*

† Cosí, con evidente difetto di qualche parola. Il Villani (cap. x del libro VI) scrive che " vi gittaro dentro pietre assai."

‡ Aveva scritto " risorexio," ma subito cassò e scrisse di seguito " natale."

§ Il testo ha, per errore di scrittura, " arte."

ch' aveano fatto, fecero grandissima pace, per patto e condizione che lli Sanesi dovessino rifare Monte Pulciano, e' Fiorentini rifacessero Montalcino; le quali due castella i Sanesi aveano disfatto, per cagione che ss' erano racomandate a' Fiorentini per la mala singnoria ch' e' Sanesi usavano loro. E somilglante aveano facto il conte Unberto e el conte Rosso colgli altri suoi consorti conti di Marema, i quali aveano lxiiij castella, ed era loro Grosseto e Massa e Corneto e Soana, tutte cittadi, ed ancora Monte Falcone, Castello Guidi, Malglano, Montalcino e Monte * Pulciano e. . . . † E questi conte ‡ Rosso e conte Unberto e le loro castella, sicome racomandati del Comune e popolo di Firenze, ongn'anno, la vigilia di sancto Iohanni Bactista, nobili e orrevoli ceri ufereano per omaggio. E lo detto conte Unberto mandava la cerbia vestita di scharlatto; e facea osste e cavalcata, quanto facea bisongno per li Fiorentini.

Nel decto tenpo anno Mccxxxvj, del mese di febraio, mastro Giordano, frate dell' Ordine di predicatori, huomo laudabile per vita e per senno, si mise in porto e passò oltremare a predicare li Saracini e là morio.

In questo tenpo Federigo inperadore, sengnato di croce, passò oltremare; e quando ritornò, ciò fue Mccxxxvij anni, isconfisse la città di Melana, popolo e chavalieri di gran quantità, a Corte Nuova.

In questo anno si fece in Firenze il ponte Rubaconte; e la prima pietra che si fondò sí fue quela di messer Rubaconte della Torre di Melano ch' era podestade in Firenze. Ed uno grande fuoco s' aprese in Firenze, nella torre della Volpe; onde tutta Terma arse.

Ed apresso,§ Mccxxxviij ani, esendo morta una donna in casa

* Il testo ha "Molte," e anche sopra aveva "Molte Falcone" e corresse, e qui no. † Spazio bianco, capace di altre due righe di scrittura.

‡ Prima avea scritto: "E questo conte tratta . . . ," poi corresse "questo" in "questi," e cassò l'ultima parola ammezzata.

§ Qui avea scritto e poi cassò "l' altro anno."

gl' Orciolini, e raunate le donne, cadde il palcho dov'era 'raunate, e xxvj donne vi morirono.

Apresso, nel Mccxxxviiij anni, venerdí, die 7 * intrante giungno, ischuroe † il sole nell' ora della nona, e stette ischurato piú d' una ora e una mezza a cielo stellato; poi si rifece die chiaro.

Anni Domini Mccxxxviiij.

Celestino quarto, nato della città di Melana, sedette papa die xvij; vacò la Chiesa xx mesi e die xiiij. Questo Papa, essendo huomo di sancta vita, era vescovo di Sabina, ed era molto vecchio sí di tenpo com' era di senno. Fatto fue papa, tostamente si morio, e fue sepulto nella chiesa di san Pietro.

In questo anno, il primo venerdí di giungno, schuroe il sole nell' ora della nona, e basstò per gran pezza.

In questo anno la gente de' Tartari, avendo presi quasi tutti i reami di Levante e sottopostilisi crudelmente, dividendosi in due parti, entrarono per forza in Ungaria ed in Polloni. Ruberto duca di Colmanno, fratello del re d' Ungaria ‡ e 'l duca Isslezie Arrigo,§ in Pollonia ed in Paonia, huomini e femine, grandi e piccioli, crudelmente uccisero e misero alle spade; e quasi tutti questi ij reami rimasero diserti || di gienti, e quelli tanti che schanparo d' inopia fame morivano,¶ e ancora l' uno mangiava l' altro per fame.

In questo tenpo, in Borgongna inperiale, i monti de' paesi l' uno dall' atro per tremuoti si partirono, onde molte castella e casali profondarono; e piú di v^{m} persone afogaro.

* Avea prima scritto "iij."

† Il testo, per errore di scrittura, ha "iscurore."

‡ Cosí il testo. M. P. (pag. 399) ha "frater regis Ungariae dux Colomannus."

§ Cosí il testo. M. P. ha "dux Blesiae Henricus." V. anche Villani, VI, 28.

|| Il testo ha "diserte." ¶ Cosí il testo. Ved. anche appresso, a p. 61.

Mccxl anni.

In questo tenpo, esendo don Ferrante re di Spangna, nella città di Tolletta avea uno giudeo ch' avea nome Iosep; cavando una sua vingna, trovò j grande lapida cavata dentro, e di fuori tutta salda, sanza nulla fessura; la quale facendo manifessto al popolo della città, presente loro la ruppe, e dentro vi trovò uno bellissimo * libro ch' avea quasi i folgli grossi come tavole, ed era iscritto di tre maniere lettere, cioè in lingua † ebrea e greca e latino; e potea avere tanta lettera quanto si mette in uno saltero compiuto di cl. salmi: il quale libro si crede che fosse fatto per Noè che fece l' arca del diluvio. La letteratura ebrea brevemente parlava da Adamo infino ad Anticristo; l' altra partita dicea delle propietadi delgl' uomini, exprimendo di catuno mondo e menbro; l' altra partita dicea il principio del terzo mondo, e come il Filgluolo di Dio nasscerà d' una pulzella sancta vergine ch'averà nome Maria, il quale patirà passione e morte per salvare l' umana generazione del peccato d' Adamo ‡ e d' Eva. Tantosto che questo libro fue aperto e lletto, Iosep giudeo, con tutta la sua familgla e co molti altri giuderi, si battezaro e tornaro alla fede cristiana. E nell' assi di fuori di questo libro sí era scritto come questo libro si dovea trovare al tenpo di don Ferrante re di Castello. E somilglante troverai iscritto al tenpo di Costantino sexto, il quale fu ciecho dalla madre.

In questo anno lo 'nperadore Federigo secondo asediò Faenza, una nobile città di Romangna, che s' era da llui rubellata; e vij mesi continui vi stette l' asedio; e poi perché nonn aveano sale, sí ss' arenderono a patti.

In questo anno era podestà di Firenze messer Castellano da Cafferi, huomo sapio e pieno di giustizia. E al suo tenpo il borgo a San Ginegio fu possto e rifatto nel piano di Saminiato.

* Il testo ha "bellimo," per mancanza dell' abbreviatura.
† Il testo ha "linga."
‡ Il testo ha "Amo," per mancanza dell' abbreviatura.

E in questo anno Arrigho filgluolo dello 'nperadore Federigo, esendo eletto re della Mangna per la Chiesa di Roma, contra il suo padre si rubelloe, e molta guerra li facea; onde lo 'nperadore sí llo prese, e per forza d'asspre carcere in Pulgla il fece dolorosamente morire.

Anni Domini Mccxlj.

Innocenzio iiij, nato di Genova, gentile huomo nato della casa di conti de lLavangna, sedette papa anni xj, die xij; vachò la Chiesa die lij. Quessti rienpieo tutte le sedie di cardinali, che lunghissimi tenpi erano state vote, del numero di lj cardinali; facendo di loro elezioni di diverse parti del mondo.

Quessti, dopo molto trattamento ch'era fatto di fare pace tra llui e lo 'nperadore Federigo, il qual era aversario e caduto in contumacia * per sentenzia de la Chiesa, coll' aiuto e navilio di Genovesi, celatamente per paura dello 'nperadore n' andò in Francia, e quivi celebroe Concilio generale nella città di Leone sovra Rodano; nel quale Concilio per sententia appostolicale plubicato fue nimico della Chiesa, e sentenzia sopra lui fue data di maladizione scomunicale, e privato fue e disspossto di ttuti honori e ufici inperiali.† E llo 'nperadore,‡ vedendo questa sentenzia, sí ll' § appelloe a Ddio; e prochacciò di fare eleggere a' baroni della Mangna, a chu' s' apartiene la lezione, di fare chiamare re della Mangna l'antigrado di Toringia; il quale per morte fu privato e non venne alla dingnitade: poi fece chiamare lo conte di Landi; ed ancora eletto, tantosto morio.

Quessto Papa, alla città di Leone predecto, chalonizzoe santo Emundo confessore, vescovo di Conturbiera d' Inghilterra. Po' si partio da lLeone e venne a Perugia; e quivi callonizzò il beato santo Pietro martire, nato di Verona, dell' Ordine di frati predicatori; il quale, esendo filgluolo d' uno eretico ed ereticha, e dalli

* Il testo: "contucia." † Il testo: "inperiale."
‡ Il testo: "llo peradore."
§ Cosí, e forse è error di scrittura invece di *ss'*.

eretici fu fatto uccidere; ed Uccherino * e . . . l' uccisero tra Chommo e Milano, perch'elli predicava contra la loro setta. Ancora calonizzò † ad Ascesi san Stanilao martire, vescovo, il quale da Malagio principe fu morto.

Item in questo tenpo plubicamente si manofesstò la grande bontade di frate Ugho, cardinale dell' Ordine di predicatori, huomo mirabile di scienza e di bontade, il quale tutta la Bibbia disspuose e dichiarò a sano intendimento.

Poi nel Mccxlvij anni,‡ alla singnoria di messer Iacopo di Rota, la notte di sancta Maria Candelloria, di febraio, la Parte guelfa di Firenze, per forza, da' Ghibellini ch' aveano la forza dello 'nperadore Federigo, fuori della Città fuorono cacciati. E questo fue la prima fiata che Parte guelfa o ghibellina uscisse fuori di Firenze. Ed allora i Ghibellini dissfecero torri e palazzi e tutte fortezze ch' e' Guelfi aveano, ed altre cose fecero assai laide e biasimevoli, di sforzare donne e pulzelle, di grande vergongnia.

Nel Ccxlviij anni fue disfatto il Borgo a Sanginegio, die primo iulii, per li. . . . Ed essendo lo 'nperadore Federigo con grandissimo exercito di popolo e di cavalieri, avea asediata la città di Parma di Lonbardia, dov' era il Legato chardinale della Chiesa di Roma; e sí stretto era l' asediamento che nulla persona vi potea intrare nè uscire: ed apresso [a] § Parma avea facto una cittade nuova, la quale puose nome Vittoria, per contrario di Parmigiani; e lungo tenpo era bastato l' assedio, sí che quasi tutti moriano di fame. Avenne ch' uno giorno, die martedí primo di febraio, lo 'nperadore con certa quantitade di suoi baroni andò a

* Pietro Balsamo, soprannominato Carino, fu l'assassino di Pietro da Verona poi si pentí, entrò nell' Ordine domenicano, ed è qualche volta chiamato *Beatus Acerinus*. Suoi compagni furono Stefano Confaloniero e Manfredo Clitoro. V. Lea, *History of the Inquisition*, II, 214.

† Il testo, per errore di scrittura: "colonizzò.

‡ Ripetuto dalla stessa mano in margine "Mccxlvij.

§ Si aggiunge quest' *a*, che forse dimenticò di aggiungere l'autore, dopo avere cancellato "alla"; volendo dapprima scrivere *alla città di*.

chaccia di falconi: i Parmigiani col Legato, popolo e chavalieri, uscirono fuori di Parma e fedirono al canpo dello 'nperadore, e quivi tutta la sua gente fu morta e sconfitta; e la corona con tutta la camera ed arnesi dello 'nperadore * vi si perdeo, e molto tesoro similglante.

Nel Mccxlviiij anni, die xxvij del mese di marzo, Lodovicho re di Francia. . . .†

Mcclxxxv.

Onnorio, nato di Savelli gentilissimi cittadini di Roma, sedette papa anni ij e dí xxj; vachò la Chiesa mesi x, dí xiiij. Questi fue avarissimo come cane.

Nel tenpo di costui il conte Guido di Montefeltro, il quale avea occupata Romangna sicome camera della Chiesa di Roma, per chui molto sangue si sparse. Il quale conte Guido fue huomo savio e di grande valore.

In questo anno Guilglelmino vescovo d'Arezzo, nato della casa delli Ubertini di Firenze, huomo franco e maestro di guerra, a sua masnada ‡ fece torre un castello di Sanesi, il quale si chiama il Poggio a Sancta Cicilia; e 'l filgluolo, k'avea nome Monaco e Simone Pazzo di Pazzi di Valdarno, ne fece capitano, con alquanti § ghibellini usciti di Siena. E tennero i' castello, contra i Sanesi e Fiorentini e di tutta Toscana, mesi xiiij e dí xviij, conducendosi a mangiare i topi e rodere i chuoi di tavolacci; e richol-

* Anche qui il testo ha "dello peradore."

† Qui è interrotto il senso; c' è un segno di richiamo che non ha corrispondenza, e poi una lacuna di 35 anni circa, della quale abbiamo parlato piú volte. Seguono in fine della pagina questi due paragrafi, aggiunti da un' altra mano, posteriore di almeno un secolo:

"Papa Adriano quinto, nato di que' del Fiesco da Genova 1276, stete papa die 39; vacò la Chiesa 28 dí."

"Papa Inocenzio sexto fu eletto, che fu da Portogallo." V. vol. I. di quest'opera, pag. 46, nota 5.

‡ Il testo ha, per error di scrittura, "masinada."

§ Il testo: "alqualti."

glieano la rugiada per sete ch' aveano, e finalmente il loro pisscio medesimo beveano.* Finalmente la notte di venerdie sancto, non potendo piú sostenere il castello, abandonaro il castello e fugirono fuori, venendo una grande piova, e canparo. Sapiendo ke nel decto anno fue sí gran caro che quasi tutta la gente moria di fame.

In questo anno Mcclxxxvj Redolfo re della Mangna eletto inperadore fece suo vicari in Toscana messer Prizzivalli del Fiessco di Gienova, per raquistare le sue ragioni sicome vicario d' inperio. Elli comandò a' Fiorentini ed alli altri Toscani ke giurassero le comandamente dello 'nperio; i quali, non esendo ubbedito, condannò i Fiorentini e li altri ke non ubidiano in cl^m^ marchi d'argento. E poi n'andò e fece suo capo inn Arezzo, e diede bando alle decte terre d'avere e di persone; e poi si ritornò nella Mangna.

Mcclxxxvij.

Del mese di giungno Guilglelmino vescovo d'Arezzo, chon Ubertini e Pazzi di Valdarno e con Bonconte filgluolo del conte Guido di Montefeltro, chon Uberti e Lanberti ed altri sbanditi di Firenze, di notte tenpora, entraro del mese di giungno inn Arezzo, e cacciaro fuori tutti i Guelfi. E pocho stante Prizzivalli vicario dello 'nperio della Mangna tornò inn Arezzo, e quivi aunò gran quantitade di chavalieri a soldo, e facea guerra in Firenze ed algli altri Toscani ke Parte guelfa reggea.

In questo anno e nel decto mese di iunio Carlo Martello e Ruberto conte d'Artese fecero una grande armata di galee per passare in Cicilia, e di ciò fecero capitano d'alquante il nobile chavaliere messer Renaldo Avelli di Pulgla, per passare in Cicilia. Onde don Giacomo re di Cecilia per possedimento, filgluolo del re Piero d'Aragona, sentendo la sua venuta, e che non prendesse terra, con sua gente per forza il fece levare dell' isola con dalmagio

* Qui è lasciato bianco uno spazio di tre righe.

di lui. Avenne ke 'l die di san Giovanni proximo vinente, Carlo Martello si mosse del porto di Napoli per passare in Cicilia, dov' era capitano il conte Guido di Monforte, el filgluolo del conte di Fiandra, el conte di Brennai,* ed amiralglo messer Aringhino da mMare,† nato di Genova, il quale avea lx galee bene fornite; e in quelo dì medesimo, apresso ‡ a nNapoli a vj milgla, intopparsi coll' armata del re Giacomo, dov' era amiralglo messer Rugieri di Loria di Calavra, huomo benaventurato; e quivi fecero una dura ed asspra battalgla. Finalmente Carlo Martello, filgluolo del re Carlo secondo, fu preso aprigione co' sotii, e fu sconfitto; dove molta nobile gente fu morta e presa. E decti capitani vi fuoro presi: salvo ke messer Aringhino da Mare si partio, e non volle conbattere, sano e salvo con tutte le sue galee.

Mcclxxxvij.

Niccholao, nato d'Asscholi, sedette papa anni iiij, mesi iij, dí viij; vachò la Kiesa anni ij e dí j. Questi, essendo frate minore e loro maestro, fu facto cardinale; e poi il die di Chattera Sancti Petri fu facto papa.

Nel decto tenpo i Fiorentini andaro ad oste § sopra la città d'Arezzo, e fecero di loro sforzo xlvj^{a} di chavalieri; ed ebero alle comandamenta Laterino e xliij castella delli Aretini, e la città guastarono infino alle mura. Onde i Sanesi, partendosi dell' oste de' Fiorentini e tornando a casa, guastaro || il castello di Lucignano. Tegrimo de' Conti da Porciano, podestà d'Arezzo, uscío fuori, popolo e chavalieri, d'Arezzo, e fecero battalgla alla Pieve al Toppo; e quivi fuorono i Sane' isconfitti dalli Aretini, lo die di sancto Iohanni di giungno. E questo si crede che avenisse per cagione ch' e' Sanesi, la vigilia del beato Giovanni, mangiaro comunemente la carne; e per opera manifesta nuovi sengnali si

* Conte di Brienne. † Arrigo de' Mari. ‡ Il testo: "apresse."
§ Il testo ha "ose." || Il testo ha "guastare."

videro, ché in quello giorno nel canpo loro si levò sí grandissimo vento che non lassciò padilglone né trabaccha che della terra non divellesse, e infino al cielo le portò tutte spezzando.

Ed allora era podestà di Firenze messer Antoniolo da Forceracha * da lLodi † per vj mesi. Ed allora era priore ‡ Vanni Ugolini, Alberto Attaviani, Baldovino Rinucci, Lapo Guilglelmi, Fantino dalla Lastra e Passa Finiguerra.

In questa battalgla fu morto il prudentissimo huomo Rinuccio di Pepo di Conti di Maremma § e Lano sanese.||

In questo tenpo il conte Ugolino, esendo singnore di Pisa, per la mala singnoria ch' elli usava, a furore di popolo, colla forza dell' Arcivescovo delli Ubaldini, con grande romore gridando: Muoia, muoia! fu preso e messo in prigione, e v tra filgluoli e ij nepoti fecero di fame morire in prigione. E allora Nino Iovane singnore filgluolo . . . ¶ cacciaro fuor di Pisa colli Vissconti e colli Upizzinghi e con tutti gli altri guelfi di Pisa.

In questo tenpo, del mese di novenbre,** Carlo Martello fu tratto fuori di prigione, per fattura e procaccio d' Aduardo nobile re d' Inghilterra suo cugino, promettendo a donn Afuso †† filgluolo del re d' Aragona di fare ke Carlo filgluolo di Filippo di Francia finirebbe il reame d' Aragona, per consentimento del Papa; e se cciò non facesse, promise a ivi ‡‡ a tre anni ke Carlo tornerebbe alla prigione. Onde per questa cosa fare fermamente, sí lli diede tre filgluoli §§ di Carlo per istadichi e xxx^{m} di marchi di sterlini e l. chavalieri di magiori e di piú nobili di tutta Proenza.

* Antonio de Fixiraga da Lodi.

† Prima avea scritto "di Bresscia," poi cassò e scrisse sopra "dallodi."

‡ Cosí il testo, invece di *erano priori;* come addietro, più volte, *era consolo* invece di *erano consoli.*

§ Il testo ha "Marena."

|| Qui è lo stacco di un verso.

¶ Spazio bianco nell' originale. Questi è Nino giudice di Gallura, figliuolo d' una sorella del conte Ugolino.

** Il testo ha "novebre."

†† Cosí, per *Alfonso.*

‡‡ Nel testo si legge "auiui."

§§ Il testo: "filgluolo."

In questo tenpo Guido conte di Montefeltro,* esendo riconciliato colla Chiesa e andato a' confini in Piamonte, e dati ij suoi filgluoli per istadichi al Papa, sanza parola si partio da' confini e venne in Pisa; e fatto fue del tucto singnore. Allora il Papa iscomunicò lui e 'l Comune di Pisa, e per sentenzia il piuvichò filgluolo di perdizione e nimico della Kiesa. Allora tantosto Guido conte di Montefeltro comandò ke mai al conte Ugolino ed a' suoi filgluoli e nepoti fosse dato mangiare; e cosí morirono d' inopia fame † tutti e cinque, ciò fue il conte Ugolino, Uguiccione, Brigata, Anselmuccio e Guelfo; e quivi si trovò che ll' uno mangiò de le carni all' altro ; e finalmente fu loro dinegato il sacerdoto ‡ per confessare i loro peccati, e tutti e v in una mattina fuoro tratti morti di prigione. Questo conte Ugolino fue huomo di cosí fatta maniera ch' elli facea morire il popolo di Pisa di fame; ed al suo tenpo avendo grande abondanza di formento, fu sí crudele che vij libre facea conperare lo staio del grano in Pisa: poi finalmente per fame morio con tutta sua familgla.

In questo anno i' Firenze si fece la loggia d'Orto Sa' Michele ornatamente in x § pilastri, tutta dipinta.

Mcclxxxviij anni, del mese di maggio, alla singnoria di messer Antonio ‖ da Forceracha, i Fiorentini colla loro amistade di Tosschana andarono ad osste sopra la città d'Arezzo, arso per fuoco il borgo di Leona; e poi si puose ad asedio al castello di Laterino ed ebberlo a patti. Poi andarono e puosero il canpo al Vescovado vecchio lungo le mura d'Arezzo, e tutto il suo contado guastaro intorno intorno. I Sanesi esendo in questa osste in conpangnia di Fiorentini, quando l' osste tornava, partirsi da' Fiorentini per guasstare il castello di Lucingnano delli Aretini.

* Qui e appresso: "Moltefeltro."

† Cosí. Ved. anche addietro, a pag. 53. ‡ Cosí il testo.

§ Noto che dopo il "x" è lasciato un piccolo spazio bianco, come per aggiungervi altre cifre. ‖ Il testo ha "Anonio."

E ll' Aretini,* sentendo ch' e' Fiorentini erano partiti, andarono adosso a' Sanesi e fecero battalgla alla Pieve al Toppo.

Mcclxxxviiij.

Del mese di magio, Tebaldo soldano di Banbillonia con grandissimo exercito di gente puose assedio alla citta di Tripuli, e per forza la prese con tutta la gente cristiana, k' erano tra grandi e piccioli piú xxx^{m}, tutta a fferro fuoro morti.

Nel decto tenpo il principe Carlo secondo venne a corte, ed innorevolemente dall' Apostolico e da' suoi frati cardinali fu receputo; e llo giorno della Pentacosta proxima venente il decto papa Niccolao il coronò re di Pulgla e di Cecilia, salvo ke 'n Cicilia no' salío elli.

Mcclxxxviiij anni.

In questo anno, Guido conte di Conti Guidi, esendo podesstà della città d'Arezo, e regevasi per li Ghibellini, e in Firenze era podesstade messer Ugolino Rosso di Parma, i Fiorentini ke reggea in Parte guelfa, con Lucchesi, Pistolesi, Pratesi e Saminiatesi,† e altra gente assai di loro amistade, andaro ad osste sopra la città d'Arezzo, a dí xv di magio, con xv^{m} pedoni e ij^{m} chavalieri; e passaro Monte al Pruno, e fuorono a Bibiena nel piano di Certomondo, loco decto Canpaldino. Usciro fuori gli Aretini per difendere lo guassto, e quivi fecero battalgla, lo die di sancto Barnaba, xj di giungno; e gli Aretini, popolo e chavalieri, da' Fiorentini fuorono sconfitti e morti assai, e presi ne fuoro viiij^{c}. Nella parte di Fiorentini fuorono morti ij nobili chavalieri, ciò fue messer Guilglelmo Bernardi, balio di messer Amerigo di Nerbona, ch' era capitano generale dell' oste di Fiorentini; e 'l decto messer Amerigo fue nel volto fedito, e messer Bindo Baschiera de la Tosa fue morto. Dalla parte delli Aretini fuorono morti molti nobilissimi e gentili valenti huomini, e quasi il fiore

* Il testo: "Aretino."

† Il testo ha "Samiatesi."

di tutta la milglore gente di Toscana d'arme; ciò fue messer Guilglelmino delli Ubertini vescovo d'Arezzo, e messer Guilglelmino Pazzo di Pazzi di Valdarno, Neri Piccolino e Federigo di messer Farinata e Lapo di messer Marito, tutti e tre delli Uberti, e Ciante de' Fifanti, Loccio da Toscanella e Guiderello d' Allexandro,* il conte Buatto da Montedolglo e 'l conte Bonconte da Montefeltro, Francessco da Sinigalgla e Lancialotto Pulglese, messer Uffredi Uffredi di Siena e Armaleo da Montenero, Dante delli Abati e Corbizzo da Pelago, con altri assai gentili huomini, i quali per c. anni inanzi in Toscana non s' arebono a uno tenpo trovati. Elli erano viij$^{c.}$ chavalieri e xij$^{m.}$ pedoni, e fecero xij paladini tra lloro, e piú galglardamente conbattero che giamai facesse' paladini in Francia: xxv$^{c.}$ e piú fuoro li morti. E Guido conte Novello, esendo in s'uno poggio con uno drappello di ccc. chavalieri, tantosto che lla battalgla fosse coninciata, dovea fedire sopra i Fiorentini; elli sicome vile e codardo tantosto si partio e andò sua via. Incontanente i Fiorentini disfecero † Bibiena e tutte le castella dintorno e cavalcaro inverso Arezzo, e puosero il canpo al Vescovado vecchio, ed asediaro la terra e conbatterla co molti difici, gittandovi asini e pietre. E' Pistolesi vi battero la moneta, e ben si sarebbe auta la terra, se non fosse che si partiro dall'asedio; e lij die vi stette l'osste. Ed allora era in Toscanella papa Niccolao d'Asscholi: sentio la novella per contrario, credendo ch' e' Fiorentini fossero sconfitti; chiuse le mani al cielo, con allegra faccia dicendo al Collegio di cardinali:—Dingnum e giusstum est.—E però faciendo manofessto che lli Aretini, inanzi a questa sconfitta, del mese di marzo, per forza presero il borgo di Fighini, e gonbattero l'Ancisa, e arsero le porte, e poi vennero infino a San Donato in Collina, ardendo e guastando il contado ‡ di Fiorentini, e quando fuoro al decto San Donato talglarono uno ramo dell' olmo della chiesa, avengna che caro

* Il testo ha "Alexandra." † Il testo: "disfcero."
‡ Il testo ha "cotado."

costasse loro. Sconfitti, morti e presi gli Aretini, frate Guittone, chavaliere dell'Ordine di Bengodenti, al Comune di Firenze iscrisse una lettera, la quale disse in questo modo . . . *

Anni Mcclxxxx.

Alla singnoria di messer Rosso Gabriello d'Agobbio, del mese di giungno, i Fiorentini andaro ad osste sopra la città d'Arezzo, e puosero il canpo allato alle mura al Vescovado vecchio, e intorno intorno tutta la città guasstaro; poi si puosero ad asedio al castello d'Anghiari, e iij mesi e xviij die vi stette l'asedio,† e poi l'ebbero a patti, e disfecerlo del mese di settenbre.

In questo anno, del mese di maggio, nel sexto d'Oltrarno s'aprese il fuoco in casa 'Pegolotti, ed arsevi messer Neri Pego lotti e uno suo filgluolo e xj persone.

Poi del mese di settenbre die xij, esendo podestà di Firenze messer Guido da Ponente‡ di Ravenna, i Fiorentini andaro ad osste sopra la città di Pisa e guastarla insino alle mura; e poi andarono colla forza del Genovese a Porto Pisano, e disfecero il porto e lle torri e tutta la contrada di Levornia, e tutto il fornimento del porto ne recaro, ke fue pregiato piú xxx^{m} di fiorini d'auri; e per lo grande§ di Guido conte di Montefeltro ch'era podestà di Pisa, si tenne la terra che non fue presa da'Fiorentini.

Nel Mcclxxxxj anno, del mese di maggio, i Fiorentini co lloro isforzo andaro ad osste sopra la città di Pisa, e guasstarla tutta intorno dalle tre latora, ad una saettata a piè delle mura; ed abattero San Sevino e 'l Ponte ad Era e tutte le loro castella. Poi la notte della Natività di nostro Singnore, Nerino Tezzoni,

* Cosí rimane, in fine di pagina. † Il testo ha "adio."

‡ Cosí, e anche appresso altre volte, per *da Polenta.*

§ Qui manca un sostantivo: sforzo, valore, ardire o altro consimile. Il cod. Gaddiano salta qui il fosso e legge: "e per lo conte Guido da Montefeltro ch'era podestà di Pisa" ec.

castellano del Ponte ad Era per li Fiorentini, perdeo il castello, e la persona con tutta la sua gente dentro da' Pisani fuorono presi e morti.*

In questo anno, del mese d'aprile die xx, Tebaldo soldano di Banbillonia con oste di cento cinquanta milia chavalieri venne sopra la città d'Acri, ispeziale camera e magione di Cristiani e della sancta Kiesa di Roma, e per forza di fuoco e di ferro la detta cittade prese e distrusse; e piú di lxx$^{m.}$ cristiani vi fuorono morti. E xliiij giorni continuamente sí lla notte come 'l die fue conbattuta, isperando tuttafiata porto di salute, infino a tanto che non videro morto il famosissimo e nobile huomo messer Guilglelmo di Belgiuoco, maestro del Tenpio, nato della gentil casa di Brabant, il quale fu morto d'una saetta avelenata da un turchio. Tanto che fu morto, la gente fue tutta isbigottita; e allora il santisimo huomo messer lo patriarca di Gerusalem, con una parte delli scanpati fediti, si ricolse in sulla nave sua, ch'erano da xxij a xxiij$^{a.}$ di persone; e navicando fugendo, pocho dimorò che lla nave profondò, ed elli e tutta † afochò. Un'altra partita di genti, dove ‡ pulzelle e fanciulli in quantitade di x$^{m.}$ persone, si richiuso' nel cerchiovito del tenpio; § finalmente da' Saracini fuoro messi a fuoco ed a ferro. Un'altra partita || di giovani huomini fuorono presi e menati in servaggio, e tutto giorno fatto loro arare la terra come buoi. In questa perdita d'Acri la conpangnia di Peruzzi di Firenze guadangnaro grandissimo tesoro, che fue loro acomandato, e giamai non richessto.

In questo anno Redolfo re della Mangna, non pervenendo alla benedizione inperiale, ch'era eletto re di Romani, morio.

E in questo ano, del mese di marzo, morí il conte Guido Novello e messer Rinieri della Fagiuola e messer Ubaldino dalla Pila delli Ubaldini.

* Una mano piú recente ha qui aggiunto in margine: "Anno 1291 dí 18 di magio." † Supplisci *la gente.* ‡ Sottintendi *erano.*

§ Cosí ci pare da correggere. Il testo ha "tenpo."

|| Il testo, per errore di scrittura, ha "partina."

Mcclxxxxij anni.

In questo anno papa Niccolao d'Asscoli morio a rBorma, e 'r Vaticano nella chiesa di sancto Pietro fu sepulto.

In questo anno si fece la pace tra' Fiorentini e li Aretini coll' Intarlati, e' Fiorentini rendero loro i prigioni ch' erano presi. Poi i Fiorentini rendero pace a' Volterrani, e dentro in Volterra per li Fiorentini fu facto uno chassero a nostro ridotto.

Poi del mese di gennaio asediamo e disfacemo il chastello d'Anpinana, ch'era del conte Guido Novello.

E del mese di settenbre * la beata Vergine Maria d'Orto Sa' Michele coninciò a fare grandisime maravilgle etc.

In questo anno i principi della Mangna concordevolemente elessero † re della Mangna Adolfo conte di Nasso, ma no venne a la benedizione inperiale.

In questo anno uno nobile cittadino popolaro ch' avea nome Giano della Bella, avendo una difirenza co messer Berto di Frescobaldi, volendoli acupare sue ragioni per forza, il decto messer Berto, nella chiesa di san Piero Scheraggio, puose la mano in sul naso a Giano della Bella, e disse che 'l glle mozzerebbe. E molte altre forze e violenze [tutto] ‡ giorno li Grandi faceano contra li popolani. Per la quale cagione il decto Giano fue a certi grandi e possenti popolani di Firenze, e fecero congregatione e ordine di levare, e levaro popolo incontra li Grandi: e co llui fue Duccio e Cione Magalotti, Coso Mancini, Lapo Talenti, messer Donato Alberti, messer Albizzo Corbinelli, messer Boninsengna Becchenugi, Baldo Ruffoli, Giova Algloni, Rosso Bacherelli e tutti li altri grandi e nobili popolani; e fecero popolo sotto questa forma: in conpangnia di Priori acrebero uno Gonfaloniere di giustizia, e MMMM pedoni fecero a seguitare questo

* "settebre" ha il testo, qui e appresso altre volte.
† "elexessero" ha il testo.
‡ Supplito, per la rottura della carta nell'originale.

Gonfalone, tutti ad una insengna, il canpo bianco e la croce vermilgla; e molti forti e duri ordinamenti sopra li Grandi. E le prime case che fuoro disfatte per questo popolo sí fuoro quelle di Galli, per cagione che Sengna di Galli uccise in Francia ij fratelli di Vanni Ugolini etc.

In questo anno si perdeo, della terra ch'era rimasa a' Cristiani, parte del Cipri, Suri e Castello Pellegrino.

Mcclxxxxiij anni.

Del mese di maggio si fece la pace tra' Fiorentini e' Pisani.

E del mese d'ottobre, quelli della terra di Prato, tenendo a contrario di Fiorentini uno sbandito e condanato del Comune e popolo di Firenze, amichevolemente a' Pratesi da' Fiorentini fue richesto. Per cagione ch' e' Pratesi non rimandaro il detto sbandito, da' Fiorentini fuoro condannati nelle mura o in diecemilia libre,* e dal terzo die inanzi,† se non avessero pagata la condanagione, infino a diece die, ciascuno die fossero M libre piú; siché finalmente, vedendo i Pratesi che ll' oste v'andava, pagaro libre xj^{m} di danari contanti.

In questo anno, esendo insieme il re Carlo e lo re d'Ungaria, e andavano a corte di Roma, quando fuoro a Perugia, die xiij di lulglo, il re Carlo fece pilglare il conte dall'Acerra, per certa malivolglenza che lli portava sacretamente, ed apuoseli ch'elli era soddomito, ed uno palo li fece ficcare per la natura disotto, ed ispicciolli per la bocca, e come uno pollo il fece arostire.

In questo anno il re di Castello, colla forza di messer Aduardo re d'Inghilterra, del mese d'aprile, fece battalgla con tre re Saracini, e fue lo re di Granata, e lo re di Morroccho e lo re Arpino, e tutti e tre fuoro sconfitti, e morti piú di ccl. milglaia di Saracini; e xlij nobili e maggiori baroni di tutta quella gente

* Intendi, ad avere atterrate le mura, o a pagare diecimila lire.

† "inazi" ha il testo.

pagana mandaro prigioni alla Chiesa di Roma, e io li vidi. E menaro co lloro uno piccinacho morto ed uno vivo e uno asino vergato.

In questo anno e mese i Viniziani e Genovesi con cxxij galee tra lloro fecero battalgla sí mortale, che ciaschuna parte l'uno dall'altro fue sconfitto e con grande danno: di pocha gente schanpata ciascuno tornò a casa.

In questo anno di settenbre Tebaldo soldano di Babillonia da uno cristiano rinegato, nato della casa di Rossi di Firenze, fu morto, e tantosto quelli ch'uccise si fece soldano e tenne l'uficio.

In questo anno Filippo secondo, lo piú bello huomo del mondo,* re di Francia, prese guerra co messer Aduardo re d'Inghilterra, il quale era il piú leale principe e la milglore lancia del mondo; onde per questa guerra nacque grandissime battalgle e mortalitate † tra Guascongnesi e Normandi e Francesschi ‡ ne fuoro privati delle persone e dell' avere.

Mcclxxxxiiij anni.

In questo anno, d'agosto, morio il sancto huomo messer Latino cardinale delli Orsini vescovo d'Osstia, il quale diede e fece pace in Firenze tra Guelfi e Ghibellini.

In questo tenpo i Sanesi levarono guerra incontra la terra di Montepulciano, per cagione k' elli s' erano racomandati al popolo di Firenze. Allora i Fiorentini fece' nobile e grande anbasceria e mandalla al Comune d'Arezzo, pregando per loro amore che non si dovessono tramettere del fatto di Montepulciano. Allora i Sanesi isdengnando, a furore gridaro :—Muoiano, muoiano § i Fiorentini; — vitiperosamente rinproverando loro la dolorosa isconfitta da Montaperti, gittando loro le pietre e lapidandolgli.

* Il testo ha "mono," e si corregge perché poco appresso ha "mondo."
† Il testo: "mortalite." ‡ Sottintendi *molti*.
§ "maiano" ha questa seconda volta il testo.

In questo anno, lo die di kalendi novenbre, Neri Schelmi fue condannato per lo popolo di Firenze nell' avere e nella persona, e tutti li suoi beni in cittade ed in contado fuoro guassti.

In questo anno, die xvij d' ottobre, il conte Guelfo di Pisa fue sconfitto a Villa di Chiesa e perdeo tutta la Sardingna, ed ebbe iij fedite, e fue preso da' Sardi.

Item a' dí xxiij di gennaio, esendo podestà di Firenze messer Giovanni del Luncino da Como, in domenica, fece condanagione per cagione che messer Corso Donati * fedito messer Simone Galastrone Donati suo cugino, ed anche avea morto uno suo fante medesimo; e messer Corso apuose a messer Simone ch' elli avea morto il fante, e nonn era veritade. Per la qual cosa la predecta Podestade, secondo le prove de' testimoni, condannò messer Corso in libre MM, e v anni fu privato che non potesse † avere singnoria d'alchuna terra; e messer Simone Galastrone condannò nell'avere e nella persona, e tutti li suoi beni fossero disfatti Allora si levò il popolo a furore, gridando:—Muoia, muoia la Podestade,—ed arsero la porta del Palagio e presero la Podestade e tutta la sua familgla, e tutti li arnesi del Palagio e della Podestade fuoro rubati. Per la qual cosa di questa opera nacque molta zenzania nella Cittade.

In questo tenpo avea guerra la casa di Mozzi e quella di Bardi di Firenze tra lloro; si fece la pace, e' Mozzi diedero a' Bardi per questa pace MM fiorini d'oro, ciò fuoro a coloro che ricevettero le fedite da' Mozzi a' dí xxviiij di genaio.

In questo tenpo messer Gian di Celona venne in Toscana per vicario dello 'nperio, avengna che poco vi stasse.

In questo tenpo, nel Garbo, in una schuola di gramatica, si trovò morto uno garzone giovane di xv anni; il quale avendo riotta con Giano della Bella, fu plubicato per tutta la cittade che 'l detto Giano l'avea facto uccidere: onde poco tenpo dimorò che 'l detto Giano da tutti i grandi popolari, per trattato di Grandi,

* Supplisci *avea*. † Il testo ha "posse."

fu tradito. A' dí xviij di febraio nell' avere e nella persona fue condannato, e co llui fue il fratello e 'l filgluolo, e da' gonfalone di popolo fue disfatto. Era allora priore Lippo del Velluto, Bachino tavernaio, Gheri Paganetti, Bartolo Orlandini, messer Andrea da Cerreto, Lotto Milglore, Gherardo Lupicini gonfaloniere. Di questo Giano della Bella si puote con veritade dire, ch' elli fosse diritto padre del popolo di Firenze, e llo piú leale huomo che giamai fosse a popolo: salvo che tutte le sue vendette facea sotto la singnoria del popolo etc.

Anno Domini Mcclxxxxiiij. Alla singnoria di messer Pino Vernacci di Carmona potestà di Firenze.

Celestrino quinto filgluolo di Giacopo, nato di Parma, santo remito, chiamato Piero di Morrona, facto papa del mese di giugno, sedette papa mesi v e die viij, e vachò la Kiesa mesi xxx.* Questi, essendo huomo religioso e di santa vita, elli fue ingannato sottilmente da papa Bonifazio per questa maniera etc.: che llo decto Papa, per suo trattato e per molta moneta che spese al patrizio, rinchiudevasi la notte nella camera del Papa, ed avea una tronba lunga, e parlava nella tronba sopra il letto del Papa, e dicea:—Io sono l'angelo che tti sono mandato a parlare, e comandoti dalla parte di Dio grorioso, che ttue inmantanente debi rinunziare al papato e ritorna' ad essere romito.—E cosí fece iij notti continue; tanto ch' elli credette † alla boce d'inganto,‡ e rinunziò il papatico, del mese di dicenbre, e con animo diliberato, co li suo frati cardinali, dispose sé medesimo, ed elesse papa uno cardinale d'Anangna ch' avea nome messer Benedetto Gatani, e suo nome papale Bonifazio ottavo. E si disse che questo Papa fece sacretamente pilglare papa

* Prima avea scritto "die xj," poi cancellò e corresse "mesi xxx."
† Il testo, forse per errore di scrittura, ha "crette."
‡ Cosí, o per *incanto* o, per error di scrittura, invece di *inganno*.

Celestrino che rinunziò, e fecello istrangolare, e altri dissero che llo fece morire in prigione, aciò che non perdesse il papatico; ma di sua morte non si legge alkuna cosa, o quello che di lui si fosse. Elli fue sinpricissimo e sancto. In vita fece miracoli di molte cose. Elli cavalcava l'asino, e vilmente vestia, e similglante vivea. E si disse ch' elli morio in prigione nella roccha * di Formone, presso ad Alangna a x milgla, a dí xvij di maggio, per fattura di papa Bonifazio. E per questa opera tutta la cristianitade † si ne dolea: onde molti cherici, e perché diceano ch' elli no potea esser Papa di ragione, sí lli facea prendere, mettere in prigione e tali uccidere. Elli fece frate Gilio di Roma, maestro dell' Ordine di romitani a chu' era data molta fede, arcivescovo di Borgi in Berri, acciò che no llo infamasse, per cagione ch' era maestro di dicreti e dicretali; e messer Rinieri Ghiberti di Firenze, gran maestro, fece mettere nella malta, forte prigione nel lago di Bolsena.

Mcclxxxxiiij.

Bonifazio ottavo, filgluolo di Liffredi chavaliere, nato della ccità d'Anangna, della casa di Gatani, sedette papa anni viij, mesi viiij, die xviij; vachò la Chiesa die xj. Questi essendo prete cardinale di sancto Martino in Monte, avea nome Benedetto Guatani. Elli fece dicreto ke nella Kiesa di Dio, in ongni cittate o villa o castello, iscomunicata od interdetta, si potesse iiij volte dell' anno sacrificare e cantare messa palesemente al popolo cristiano: l'una si è per la Natività di Cristo filgluolo di Dio, la seconda per la Surexione, la terza per la Pentecosta, la quarta per Sancta Maria d'agosto. Eli fue eletto papa la vigilia della Natività di Cristo. Elli venne colla corte a rRoma, e fue coronato a die xv di gennaio. E tantosto ch' elli fue coronato, mandò ij cardinali in Francia, per fare concordia intra llo re di Francia e llo re

* Avea dapprima scritto "castello," ma subito cassò e riscrisse "*rocca*."
† Il testo ha "cristinitade."

d'Inghilterra. Elli candelezzò * ad Orbivieto Lodovico re di Francia, il quale morio esendo ad osste sopra le re di Tunisi.

E ciò sappiate, che da san Piero infino a Bonifazio sono stati cc. Apostolici; e da Iulio Cesare infino a Federigo secondo, lxxxxv Inperadori e xv in conpangnia di padre e di fratello.

Elli fue huomo † di perversa natura e di grande coraggio, ed asultoe ‡ la Chiesa meravilglosamente.

In questo tenpo sancto Bartolo, prete di Sancto Gimingnano, santifichoe e fece meravilgle grandi.

Mcclxxxxv anni.

Alla singnoria di messer Matteo di Maggio di Bresscia, si fondò la grande ecclesia di sancta Croce; e a dí xviiij del detto mese si fece la pace tra lla casa delli Adimari e de' Tosinghi; e quasi tutte le paci si fecero intra Guelfi solamente, per essere a una concordia a uccidere il popolo. Concordati li Grandi insieme, e facto intra lloro giura pensatamente, con serralgli e con saettamenti, e co molta gente e fortezze armati, lo die de sancto Romolo, die vj di lulglo, con parola e volontade di singnori Sanatori che reggevano la cittade di Firenze, manomisero il popolo per tutta la Cittade; e conbattendo quasi tutto il giorno a cavallo ed a piede in tutte parti, i Grandi da' popolari per la grazia di Dio fuorono isconfitti, non avendo il popolo alkuno capo di suo aiuto. In quello giorno tutti li Grandi ebbero a sospetto la casa di Cerchi, per cagione che non fue co lloro sopra il popolo. E 'l Comune di Lucca, conti Guidi e conti Alberti, Pratesi, Pistolesi e Saminiatesi e tutti i nobili del contado vennero inn aiuto de' Grandi, e 'l popolo sanza capo fu vettorioso: donde i Guelfi in quello giorno ebero grande paura di non perdere la terra. L'altro giorno il popolo mise a terra il palagio di Cantino di Vissdomini. Ed allora era capitano del popolo messer Carlo da Spuleto, savio e leale huomo e grande

* Per *canonizzò*. † Ritorna a papa Bonifazio. ‡ Per *esaltò*.

difenditore del popolo; ed era priore al governamento della terra Noffo Guidi, messer Lapo Salterelli iudice, Tingnoso Bellanda, Amannato Rota Becchenugii, Amadore Ridolfi, Milglore de' Guadangni, e Cante Guidalotti gonfaloniere. Poi del mese di settenbre morio l'arcivescovo di Pisa e lo vescovo di Bolongna, anbedue * nati della casa delli Ubaldini; e 'l vescovo di Firenze, messer Andrea di Mozzi, fue dissposto e fatto vescovo di Vincenzio.† E morio l'arcivescovo di Milano.

In questo anno papa Bonifazio fece fare la pace tra llo re Giacomo di Ragona, il quale per forza tenea il rengno di Cicilia, e lo re Carlo secondo; e tolse per molgle ‡ la filia del re Carlo a patto e condizione ch' elli lasciasse il rengno, e dielli per dota centomilia libre di grossi tornesi, ed ongn' anno per sopragiunta d'infino a xij anni, ongn' anno li dovesse dare la Chiesa di Roma xij$^{m.}$ libre di grossi tornesi. E fue ricomunicato e benedetto, e fue fatto canpione e gonfaloniere della Chiesa, e lasciò il reame. Tantosto ch' elli fue fuori del reame, i Ciciliani tutti si cosarono § quasi morti. Incontanente Federigo terzo suo fratello, colla volontade e richessta di baroni di Cicilia, montò in sul reame, e possedettelo in tenpo di pace e di guerra.

Mcclxxxxvj anni.

Lo die di kalendi aprile, esendo i Bolongnesi ad oste sopra la città d'Imola, ardendola e guastandola, Maghinardo da Susinana con sua gente andò incontro a' Bolongnesi, e nel piano di Santerno fece battalgla co lloro, e quivi li sconfisse: tra popolo e chavalieri piú di Mcccc. fuoro li morti.

A dí xv del decto mese il re di Scozia si rubellò da messer Aduardo re d'Inghilterra, e fece battalgla co llui in canpo con piú di xij$^{m.}$ chavalieri tra ll'una parte e l'altra: il re di Scozia fue sconfitto. Avuta la vittoria, venne in Guascongna sopra le sue

* Il testo ha "anbendue." † Cioè Vicenza. ‡ Intendi, Giacomo.
§ Cosí il testo. Il cod. Gaddiano scrive "s' acusarono."

terre che lli erano rubellate, e teneale per forza lo re di Franzia; e quivi prese v cittadi, e puosesi ad oste sopra la città di Bordella, e finalmente e' ll' ebe a suo comandamento.

Item a dì xv di maggio, intra 'l mare di Cicilia* e quello di Romania, si scontrarono navi di Viniziani e di Genovesi, e fecero battalgla molta forte e crudele; le navi di Viniziani erano lxxxxv, quelle di Genovesi erano lij, de le quali i Viniziani presero xxxiiij a prigione.

Die xiiij di lulglo, tenendo la terra di Forlí in Romangna Maghinardo da Susinana, per gli Orgolglosi fu tradita e data di notte tenpora a messer Malatesta da rRimine ed a messer Guido da Ponente di Ravenna ed a' singnori da Calbuli. Per la qual cosa lo romore si levò nella terra, e Maghinardo, ch'era ad osste sopra Castelnuovo, lasciòvi ij capitani ed alquanta gente forniti, ed elli si mosse, e 'l conte Galasso figluolo del conte Guido da Montefeltro, con molta gente, popolo e chavalieri, e ricoverarono in Forlí gridando:—Siano morti i traditori.—Quivi fue grandissime battalgle; pur finalmente Maghinardo li mise in isconfitta e cacciolli fuor della terra, e piú di diece milgla basstò la caccia. E quivi fuorono morti piú di MCCC. uomini, e morti gli Orgolglosi e li singnori da Gesso e iij di quelli da Calbuli e Fantino da Brettinoro, e molti buoni e grandi huomini capitani di Parte guelfa di tutta Romangna. Messer Guido da Ponente e Malatesstino di messer Malatessta con altri piú conpangni gentili huomini fuoro presi, e tantosto Maghinardo fue socorso da' conti da Porciano e da Ciappettino delli Ubertini di Valdarno, e tenne la terra con vittoria.

E a dí xviij d'agosto messer Ruggieri di Loria, il nobile amiralglo e grazioso per lo re Piero di Ragona, venne al porto di Brandizio, lo quale si tenea per lo re Carlo, e subitamente di notte il conbatteo sí che 'l porto fue difeso; e tirossi a terra ferma, e quivi fece battalgla ordinata in canpo, dura ed asspra, sicché ll'uno né ll'altro quivi nonn ebero vittoria, ma quasi tutti morti.

* Il testo ha "Cicila."

E messer Ruggieri vi fue fedito, e 'l filgluolo fue morto, e messer Giuffredi di Gianvilla nobile barone francesscho vi fue morto.

E lo die di kalendi settenbre morio il Giudice di Galluria in Sardingna, e li Viniziani presero xxij galee di Genovesi.

E a dí x di settenbre messer lo piovano di Gherardini, per certa guerra ch' avea colli Manieri, da lloro fue fedito e di quelle fedite morio.

E a dí xij di settenbre s' aprese il fuoco in Firenze a casa di Lanberti, ed arse le case loro e di Pilli e di Pilasstri e di Minerbetti; e fece grande grandissimo danno.

E a dí j d'ottobre, avendo difirenza tra l'arcivesscovo di Cosenzo e l'abate di Cosenzo, fecero intra lloro battalgla piú di mille chavalieri, e l'arcivescovo fue sconfitto.

In questo tenpo si coninciò grande briga intra 'l Comune di Bolongna e Azzo marchese di Ferraia; però che 'Bolongnesi presero uno suo castello ed uccisero tutta la gente che v'era dentro. E questo fecero per cagione che 'l Marchese facea alkuno trattato con certi grandi della terra di pilglare Bolongna e ronpere il popolo. Po' venne il Marchese ed asediò, a dí xv d' ottobre, la gente di Bolongna ch' erano rimasi alla guardia del predecto castello; e stando una notte, di subito il Marchese con v$^{c.}$ chavalieri e x$^{m.}$ pedoni prese il castello di Bazzano del Bolongnese apresso a Bolongna a x milgla. Allora Bolongnesi isforzatamente, colla potenzia di Lonbardi e di Romangnuoli, assediarono il decto castello con iiij$^{m.}$ chavalieri e xxxx milia di pedoni; e xxxv giorni vi stette l' asedio, tutta fiata gittava tra die e notte xij difici; poi finalmente e' l' ebero a patti. Con ciò sia cosa che 'l Marchese avea facto molta cavalleria e popolo, vennero * per difendere il castello, e fue in sul canpo e domandò la battalgla, ed al castello; sarebe venuto se non fosse per la molta pioggia ch' era venuta, ed avea a

* Forse doveva dire *e vennero*. Il Gaddiano omette "vennero," e legge "molta cavalleria e popolo per difendere" ec.

passare uno fiume; siché Maghinardo da Susinana ch'era in sua conpangnia sí consilglò che 'l fiume non si passasse, e la battalgla per questo modo rimase: avengna dio che 'l Marchese da' Fiorentini forte si tenne gravato, i quali erano all' aiuto del Bolongnese, e' Bolongnesi ischifaro la battalgla quanto poterono. Tornato il Marchese a Ferraia, tantosto fece suo consilglo, e trattò giura e conpangnia con tutti li usciti di Bolongna; e legaro insieme i singnori della Fontana e Maghinardo da Susinana, Ferraia ed Argenta, Modana e Reggio con tutti li usciti di Lonbardia* di Parte guelfa e ghibellina; e legossi col duca di Charentana e col Marchese di Monferrato e co messer Alberto della Scala di Verona e co messer Matteo Vissconte capitano di Milano e co' Mantovani; e fece tutta una lega, e conincia † a guerreggiare Bolongna tuttogiorno sovente: donte ‡ molta mortalitade e briga nacque in Lonbardia.

E ancora, esendo prengna la città di Firenze di molte diverse e variate macule, uno giorno, a dí xvj dí dicenbre, esendo morta una donna a casa di Frescobaldi, al qual morto molta gente vi fue invitata, intra lli quali v' era messer Corso Donati e Simone suo filgluolo, e lli filgluoli di Manieri Bellicozzi, i quali aveano guerra colla casa di Gherardini, erano una parte; e' Gherardini v' erano similglante co lloro gente: dubitò l' uno dell' altro, fecero intra lloro assalimenti; onde la terra andò a romore e fue sotto l'arme. La casa di Cerchi co lloro conpangni e seguagi, Gherardini, Cavalcanti, Belincioni, armati a cavalli coverti, con fanti a piede, corsero a furore a san Piero Magiore a cassa di messer Corso gridando:—Al fuoco al fuoco;—messer Corso riparandosi conbattendo, siché 'Cerchi e' loro conpangni vitiperosamente tornaro a casa. Guido Cavalcante fue fedito nella mano e condannato per lo Comune in mille cc. libre, Baldinaccio di

* Il testo ha "Lonbordia."

† Cosí il testo, e forse doveva dire *cominciò*. Il Gaddiano corregge senz' altro.

‡ Cosí il testo, e appresso un' altra volta.

messer Bindo delli Adimari fu fedito nel volto e condanato per lo Comune in libre MCC.; messer Vieri di Cerchi e messer Giano suo filgluolo, messer Bindo, messer Torrigiano e Ubaldino di Cerchi fuoro condannati per questa opera, e pagaro al Comune di Firenze xij^{m} cc. libre; e dati loro i confini. Sinibaldo fratello di messer Corso e Simone suo filgluolo fuorono condanati in libre MM. e mandati a' confini. Onde per questa opera nacque molto male in brobbio * della Città e di cittadini; ché tutti i Grandi e popolari della Città si partíno di volontade, e chi tenea l' una parte e chi tenea l'altra, in tal maniera che sucitaro l'antico hodio tra lla casa delli Uberti e quella de' Bondelmonti; donte tutta Ytalia n' à sparto sangue.

In questo anno fue grande battalgla tra ll'Inghilesi † e' Francesschi, e lo conte d'Artese duramente vi fue innavorato.

In questo tenpo Filippo re di Francia, hodiato da' suoi, nemicho di buoni, venne in tanta grandezza ch' elli era re di Francia e re di Navarra, conte di Canpangna, ducha d'Urliens e paladino di Briga; ‡ bellissimo della persona sopra gli altri del mondo, e avarissimo come cane. Per le sue malvagie opere fare, d'acchattare tesoro e non rendere, abattere la buona moneta e dare corso alla rea, cadde in tanto dissdengno, che da llui si rubellò quasi tutti i suoi maggiori baroni; ed inprese grande briga collo re Adulfo della Mangna. Infra lli quali rubelli fue lo conte di Brettangna e quello di Borgongna, lo conte Filippo di Fiandra e lo conte d'Aynaldo, lo conte d'Universa § e lo duca di Brabant. E a petizione del re della Mangna lo conte di Borgongna disfece il parentato ‖ del filgluolo del re di Francia, e diede la filia al filgluolo del duca di Borgongna: donde molte guerre di ciò nacquero.

* Cioè, in obbrobrio.

† Il testo ha "Ighilesi."

‡ Brie.

§ Anversa.

‖ Il testo ha "piato," e certo è errore di lettura del ms. a cui l'autore attingeva. Anche il Gaddiano corregge in *parentado.*

In questo anno don Brasscho Catalano,* huomo prudentissimo e savio, malisschalcho de rre Federigo di Cicilia, fece battalgla in Calavra colli Francesschi ed ebbe vittoria di vij^{c} chavalieri morti.

In questo anno messer Ruggieri di Loria, lo vittorioso amiralglo, per certa difirenza, dallo re Federigo si rubellò e feceli molta guerra, e morio suo nimico.

Ed in questo anno messer Tosolato delli Uberti di Firenze talglò la tessta al Giudice d'Alborea, e tutto il suo tesoro, ch' era in grande quantitade si fece venire alle mani; e a dí xv di gennaio si fece chavaliere in Sardingna, la quale ysola co molta travalgla per lui fue aquisstata. Poi a dí v di marzo venne in Pisa, e da' Pisani non fue acettato a quello onore ch' a llui parea che ssi convenisse. E com' elli avea aquistata la Sardingna a' Pisani, cosí lla rubellò loro, dove cosstò loro molta moneta; e poi si riconciliò co lloro.

E a dí viij di marzo i Bolongnesi usciro ad oste sopra le terre del Marchese da Ferraia, ed arsero e guasstaro infino al ponte a sant' Anbruogio.†

Mcclxxxxvij anni.

Giovedí, die iij d'aprile, papa Bonifazio unse e sagrò rege di Sardingna, di Corsica e d'Elba lo re Giacomo di Ragona; e messer Rugieri di Loria fece amiralglo per la Chiesa di Roma di l. galee.

A die ij di maggio Filippo re di Francia fece iij grandissime ossti di xxx^{m} chavalieri e c^{m} pedoni; l'una fece in Borgongna, l'altra in Guasscongna, la terza in Fiandra; ma in Fiandra fu elli vitiperosamente isconfitto e ricevettevi grandissimo dalmaggio.

E a dí xx di maggio il decto Filippo fece [tregua] collo re

* Blasco Alagona. V. Amari, *Vespri*, cap. xv. † Il testo: "Abruogio."

Aduardo d' Inghilterra, a patti e condizione che tutta la Guasscongna rimase allo re Aduardo senza fare alkuno homaggio.

In questo die iij di maggio Istefano della Colona rubò il tesoro di papa Bonifazio quando venia d'Alangna etc.

A dí iij di giungno, mossi i Bolongnesi co grande quantitade di popolo e chavalieri per pilglare il castello di Doccia, Maghinardo da Susina', maestro di guerra, fedio loro adosso ed isconfisseli, e c. huomini ne menò prigioni.

E in questo anno, del mese di maggio, in Firenze si fondò la pila del ponte al castello Altafronte.

E lo die di beato sancto Iohanni Batista, del mese di giungno, Filippo re di Francia andò ad osste sopra lo conte di Fiandra con xxx$^{m.}$ chavalieri e cc$^{m.}$ di pedoni, e privossi della corona reale e rivistinne il suo filgluolo maggiore; e prese e vinse Guanto, Bruggia e Lilla e tutta la contea di Fiandra. In questo mezzo tenpo il malisscalcho * di Belcaro per lo re di Francia dal conte di Fiandra fue sconfitto e preso, e feceli talglare la tessta. Poi fue intra lloro iij asalti, donde molti Francesschi, popolo e chavalieri, vi perdero la vita; e l' osste vi stette infino a calendi ottobre e poi ritornò a casa.

Del mese di settenbre e d'ottobre i Viniziani ebero grandissima vittoria sopra li Genovesi, ché xvj navi grosse presero di quelle di Genovesi tra nel mare di Romania e di Cicilia; e tutta la gente che v' era entro mazzerarono.

Istando inferma di gravi e dure malattie la città di Firenze, fue santamente proveduto dalla Chiesa di Roma e da messer lo papa Bonifazio, sí come attore di pace, di volere sanare quelle piaghe, e di riconciare la Cittade e' cittadini insieme a stato di pace e di tranquilitade. Diligentemente in concesstoro fue fermato vecepapa paziaro nella città di Firenze frate Matteo cardinale

* Il testo ha, per errore di scrittura, "malisscho."

d'Acquassparte. Giunto in Firenze, honnorevolemente fue ricevuto; predicando pace e volendo dar pace, non lli fue creduto. ÷

* Qui ha termine la compilazione originale. Un'altra mano, che forse è la medesima che scrisse la data "Anno 1291" ec. (ved. addietro, a pag. 65, nota *), aggiunse: "Mccciij. Benedetto xj° figluolo di Guliano, nato di Trevigi della Marcha Trivigiana, sedete papa mesi otto die xv. Questi fu confermato papa a dí 22 d' otobre. Di llui si può dire: vita honesta. Fu de l'Ordine de' frati predicatori. Elli confermò tutto ciò che papa Bonifazio avea fatto e ricomunichò lo re Filipo di Francia; e mandò in Firenze, per riconciliare e fare pace tra Bianchi e Neri, il cardinale Nicholao da Prato vescovo di Ostia etc." Le parole "vescovo di Ostia" furono poi cassate dalla stessa mano.

Segue infine: "1316 (corretto da 1416). Giovanni xxij°;" aggiunta che pare della stessa mano che scrisse addietro (ved. a pag. 57, nota †): "Papa Adriano quinto" ec.

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